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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN PURSUANCE OF A RESOLUTION OF THE HOUSE OF REPRESENTATIVES,

SUCH FURTHER INFORMATION,

IN

RELATION TO OUR AFFAIRS WITH SPAIN,

AS, IN HIS OPINION,

IS NOT INCONSISTENT WITH THE PUBLIC INTEREST TO DIVULGE.

DECEMBER 28, 1818.

Read, and referred to the committee on Foreign Relations.

WASHINGTON:

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May 1913

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To the House of Representatives of the United States:

In compliance with a resolution of the 15th instant, I lay before the House of Representatives, a report from the Secretary of State, with the papers and documents accompanying it.

JAMES MONROE.

December 28th, 1818.

Department of State, December 23d, 1818.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 15th instant, requesting the President to cause to be communicated to that House, such further correspondence and proceedings in relation to our affairs with Spain, as, in his opinion, it should not be inconsistent with the public interest to divulge, has the honor herewith to submit to the President, the copy of a letter of the 28th November, and an extract of one of the 2d of this month, from this Department to the minister plenipotentiary of the United States at Madrid, together with copies of the documents transmitted with them.

JOHN QUINCY ADAMS.

List of documents accompanying the message of the President of the United States, complying with the resolution of the House of Representatives, of December 15, 1818.

Letter of the Secretary of State, to G. W. Erving, Esq. Minister Plenipotentiary at Madrid, 28th November, and an extract from one of the 2d December, 1818, with the following enclosures:

Nicholls, (col.) and his Negro Fort.

1. Nicholls's proclamation, 29th August, 1814, and letter to Laffite, 31st August, 1814.
2. *(a.)* Nicholls to Hawkins, 28th April, 1815.
   (b.) Extract 9th article, treaty of Ghent, and acceptance of it by three Indians.
3. Nicholls to Hawkins, 12th May, 1815.
4 & 5. Hawkins to Nicholls, 24th and 28th May, 1815.
6. *(a.)* Gaines, (gen.) to A. J. Dallas, Secretary of War, 14th May, 1815.
   (b.) Jervais' (Samuel) deposition.
7. Gaines, (gen.) to A. J. Dallas, 22d May, 1815.
8. Memorandum of a gentleman of respectability at Bermuda, 21st May, 1815.
9. Address from the Indians to the king of England, purporting also to be a treaty, 10th March, 1815; published in the London newspapers of 15th August, 1818.
10. Mr. Monroe to Mr. Baker, 10th July, 1815, complaining of the conduct of Nicholls.
11. Mr. Monroe to Mr. Adams, 21st July, 1815.
12. *(a.)* Mr. Adams, to Mr. Monroe, Sec. of State, 19th Sep. 1815.
    (b.) do. to Earl Bathurst, 25th September, 1815.
13. *(a.)* do. to Mr. Monroe, Sec. of State, 8th Feb. 1816.
    (b.) do. to Lord Castlereagh, 21st March, 1816.
14. Jackson, (gen.) to governor of Pensacola, 23d April, 1816.
15. Zuniga, (gov.) to general Jackson, (answer,) 26th May, 1816.
16. Amelung, (capt.) report to general Jackson, New Orleans, 4th June, 1816.
17. Jackson, (gen.) to W. H. Crawford, Nashville, 15th June, 1816.
18. *(a.)* Gaines, (gen.) to W H. Crawford, camp, near fort Jackson, 30th April, 1816, with
    (b.) Talk from the Little Prince, Tustannugge Hopoy.
19. Gaines, (gen.) to col. Clinch, Fort Montgomery, 23d May, 1816.
20. do. to com. Patterson, do. 22d May, 1816.
21. Patterson, (com.) to lieutenant commandant Cha. E. Crawley, 19th June, 1816.
22. Patterson, (com) to sailing master Jairus Loomis, 19th June, 1816.

23. Loomis, (Jairus) to com. Patterson, 13th August, 1816.
24. Patterson, (com.) to B. W. Crowninshield, Secretary of the Navy, 15th Aug. 1816.
25. Kindelan, (gov.) to George Cockburn, 18th February, 1815.

Mazot, (Don Jose,) Governor of Pensacola.

26. Mazot to Jackson, 18th February, 1818.
27. Jackson, (gen.) to gov. Mazot, 16th March, 1818. } not found.
28. do. do. 25th March, 1818.
29. Mazot, (gov.) to general Jackson, 15th April, 1818.
30. Jackson, (gen.) to governor Mazot, 27th April, 1818.
31. Mazot, (gov.) to major W. Youngs, 27th and 30th April, 1818.
32. *(a.)* do. to general Jackson, 18th May, 1818.
(b.) Certificates from New Orleans and Pensacola.
(c.) Defence of F. C. Luengo, commandant at St. Marks.
33. Mazot, (gov.) to general Jackson, 23d May, 1818.
34. Jackson, (gen.) to gov. Mazot, 23d and 24th May, 1818.
35. Mazot, (gov.) to general Jackson, 24th May, 1818.
36. Jackson, (gen.) to gov. Mazot, 25th May, 1818.
37. *(a.)* Certificates and declarations of W. Russell and Jas. L. Bell.
(b.) do. of Richard Brickham and John Bonner.
(c.) do. of Wm. Hambly, 2 June, 1818.
(d.) do. of J. Barrelas, G. Skeate, C. Le Jeune, and W. Cooper, 19th September, 1818.
(e.) do. of Santiago Dauphin, and Joseph Bonefi.
(f.) do. of Pierre Senac.
(g.) do. of J S. Caro.
(h.) do. of C. Baron.
38. Jackson, (gen.) to J. C. Calhoun, Sec. of War, 25th March, 1818.
39. do. do. 2d June, 1818.

Luengo (F. C.) commandant at St. Marks.

40. Jackson (gen.) to Secretary of War, 8th April, 1818.
41. do. to F. C. Luengo, 6th April, 1818.
42. Luengo to Jackson, 7th April, 1818.
43. *(a.)* Jackson to Luengo, 7th April, 1818.
(b.) do. do. do. (noon.)
44. Luengo to Jackson, (protest) 7th April, 1818.
45. Certificate of Wm. Hambly, 24th July, 1818.
46. *(a.)* W. Hambly and E. Doyle, to A. Jackson, 2d May, 1818.
(b.) Gadsden, (James) to do. 3d May, 1818.
(c.) Twiggs, (major) do. do.
(d.) Brooks, (Jac. R.) and Peter Cone do. do.

(e.) Fraser, (A. F.) and D. F. Sullivan to A. Jackson, 2 May, 1818.

47. (a.) Arbuthnott to Nicholls, 26th Aug. 1817
(b.) Hambly to Arbuthnott, 10th May, [23d March,] 1817.
(c.) Indian power to Arbuthnott, 17 June, 1817
} Courier newspaper, (London,) of 24th Aug. 1818.

48. Luengo to Arbuthnott, 25th December, 1817.

Arbuthnott—Armbrister.

49. Proceedings of the court martial upon their trials.
50. Extracts from message, 25th March, 1818, p. 7, 8, 11, 12, 14, 22.
51. (a.) Gaines, (gen.) to Secretary of War, 2d December, 1817, with a talk to Indians.
(b.) Gaines, (gen.) to major Muhlenburg, Nov. 1817.
(c.) Scott, (lieutenant) to general Gaines, 28th Nov. 1817.
(d.) Gaines, (gen.) to captain Clinch, 30th Nov. 1817.
52. Jackson to the Secretary of War, 20th April, 1818.
53. do. do. 26th April, 1818.
54. do. do. 5th May, 1818.
55. do. do. 2d June, 1818.
56. Extract from message, 15th December, 1817, p. 42, (T. Wayne to B. Homans)
57. (a.) Extract from message, 26th March, 1818, p. 10; letter to the Secretary of State, 24th December, 1817, (ext.)
(b.) Extract from message, 26th March, 1818, p. 12; paper in M'Gregor's hand writing, being instructions for sailing into Tampa Bay.
(c.) Extract from message, 26th March, 1818, p. 7; letter to a gentleman in the District of Columbia, 30th July, 1817.
(d.) Extract from message, 26th March, 1818, p. 9; M'Gregor to a gentleman in Baltimore, Nassau, 27th December, 1817.
(e.) Extract from message, 26th March, 1818, p. 10; extract from intended proclamation to inhabitants of the Floridas, in M'Gregors hand writing.
58. Extracts from the testimony of L. Phenix, J. S. Arbuthnott, and P. B. Cook, on the trial of Armbrister.
59. Armbrister's memorial to the Duke of York.
60. do. commission from admiral Cochrane as auxiliary second lieutenant of the corps of colonial marines, sent "to the creek nations, for the purpose of training to arms such Indians, *and others*, as may be friendly to, and willing to fight under the standard of his (Britannic) majesty." 25th July, 1814.
61. Cook, (P. B.) to Eliz. A. Carney, Suwahne, 19th January, 1818.
62. Duplicate draft of A. Arbuthnott to W. Hambly, 3d May, 1817.
63. Indian talk to Tustonaky Thlacco.
64. Duplicate draft of letter, A. Arbuthnott to C. Bagot, [Aug. 1817]

65. Arbuthnott to an officer of rank in England, January, 1818. (Times newspaper, (London,) Aug. 7th, 1818.
66. Boleck to governor Coppinger, 18th November, 1816.
67. Governor Coppinger to Boleck, 20th December, 1816.
68. Arbuthnott's journal, (one sheet.) Taken among his papers.
69. do. to commanding officer Fort Gaines, 3d March, 1817.
70. Culloh, (A.) to Arbuthnott, May, 1817.
71. Paper without date or signature: supposed to be the answer to the paper marked No. 4, in the proceedings of the court martial, on the trial of Arbuthnott.
72. Arbuthnott to general Mitchell, January, 1818, (No. 6, in court martial proceedings.)

The Secretary of State to George W. Erving, Esq.

No. 7.

Department of State,
Washington, 28th November, 1818.

George W. Erving, Minister Plenipotentiary to Spain, Madrid,

SIR,

Your despatches, to No. 92, inclusive, with their enclosures, have been received at this department. Among these enclosures are the several notes addressed to you, by Mr. Pizarro, in relation to the transactions during the campaign of general Jackson, against the Seminole Indians, and the banditti of negroes combined with them, and particularly to his proceedings in Florida, without the boundaries of the United States.

In the fourth and last of those notes of Mr. Pizarro, he has given formal notice, that the king, his master, has issued orders for the suspension of the negotiation between the United States and Spain, until satisfaction shall have been made by the American government to him, for these proceedings of general Jackson, which he considers as acts of unequivocal hostility against him, and as outrages upon his honor and dignity, the only acceptable atonement for which is stated to consist in a disavowal of the acts of the American general, thus complained of; the infliction upon him, of a suitable punishment, for his supposed misconduct, and the restitution of the posts and territories taken by him from the Spanish authorities, with indemnity for all the property taken, and all damages and injuries, public or private, sustained in consequence of it.

Within a very few days after this notification, Mr. Pizarro must have received, with copies of the correspondence between Mr. Onis and this department, the determination which had been taken by the President to restore the places of Pensacola with the fort of Barrancas, to any person properly authorized on the part of Spain to receive them, and the fort of St. Marks, to any Spanish force adequate to its protection against the Indians, by whom its forcible occupation had

been threatened, for purposes of hostility against the United States. The officer commanding at the post, has been directed to consider 250 men as such adequate force, and in case of their appearance with proper authority, to deliver it up to their commander accordingly.

From the last mentioned correspondence, the Spanish government must likewise have been satisfied that the occupation of these places in Spanish Florida, by the commander of the American forces, was not by virtue of any orders received by him from this government, to that effect, nor with any view of wresting the province from the possession of Spain, nor in any spirit of hostility to the Spanish government; that it arose from incidents, which occurred in the prosecution of the war against the Indians, from the imminent danger in which the fort of St. Marks was of being seized by the Indians themselves, and from the manifestations of hostility to the United States, by the commandant of St. Marks, and the governor of Pensacola, the proofs of which were made known to general Jackson, and impelled him, from the necessities of self-defence, to the steps of which the Spanish government complains.

It might be sufficient to leave the vindication of these measures, upon those grounds, and to furnish, in the enclosed copies of general Jackson's letters, and the vouchers by which they are supported, the evidence of that hostile spirit on the part of the Spanish commanders, but for the terms in which Mr. Pizarro speaks of the execution of two British subjects, taken, one at the fort of St. Marks, and the other at Suwany, and the intimation that these transactions may lead to a change in the relations between the two nations, which is doubtless intended to be understood as a menace of war.

It may be therefore proper to remind the government of his catholic majesty, of the incidents in which this Seminole war originated, as well as of the circumstances connected with it in the relations between Spain and her ally, whom she supposes to have been injured by the proceedings of general Jackson; and to give to the Spanish cabinet some precise information of the nature of the business, peculiarly interesting to Spain, in which these subjects of her allies, in whose favor she takes this interest, were engaged, when their projects of every kind were terminated in consequence of their falling into the hands of general Jackson.

In the month of August, 1814, while a war existed between the United States and Great Britain, to which Spain had formally declared herself neutral, a British force, not in the fresh pursuit of a defeated and flying enemy, not overstepping an imaginary, and equivocal boundary between their own territories, and those belonging in some sort, as much to their enemy as to Spain; but approaching by sea, and by a broad and open *invasion* of the Spanish province, at a thousand miles, or an ocean's distance from *any* British territory, landed in Florida, took possession of Pensacola, and the fort of Bar-

rancas, and invited by public proclamations, [doc. 1.] all the runaway negroes, all the savage Indians, all the pirates, and all the traitors to their country, whom they knew, or imagined to exist within reach of their summons, to join their standard, and wage an exterminating war against the portion of the United States, immediately bordering upon this neutral, and thus violated territory of Spain. The land commander of this British force, was a certain colonel Nicholls, who, driven from Pensacola, by the approach of general Jackson, actually left, to be blown up, the Spanish fort of Barrancas, when he found it could not afford him protection; and evacuating that part of the province, landed at another, established himself on the Apalachicola river, and there erected a fort, from which to sally forth with his motley tribe of black, white, and red combatants, against the defenceless borders of the United States, in that vicinity. A part of this force consisted of a corps of colonial marines, levied in the British colonies, in which George Woodbine was a captain, and Robert Christie Armbrister was a lieutenant. [2 *b.* 59. 60.]

As between the United States and Great Britain, we should be willing to bury this transaction in the same grave of oblivion, with other transactions of that war, had the hostilities of colonel Nicholls, terminated with the war. But he did not consider the peace which ensued between the United States and Great Britain, as having put an end, either to his military occupations, or to his negociations with the Indians, against the United States. Several months after the ratification of the treaty of Ghent, he retained his post, and his party-coloured forces, in military array. By the ninth article of that treaty, [2 *b.*] the United States had stipulated to put an end, immediately after its ratification, to hostilities with all the tribes or nations of Indians, with whom they might be at war, at the time of the ratification, and to restore to them all the possessions which they had enjoyed in the year 1811. This article had no application to the Creek nation, with whom the United States had already made peace, by a treaty concluded on the ninth day of August, 1814, more than four months before the treaty of Ghent was signed. Yet colonel Nicholls not only affected to consider it as applying to the Seminoles of Florida, and the outlawed Red Sticks, whom he had induced to join him there, but actually persuaded them that *they* were entitled, by virtue of the treaty of Ghent, to all the lands which had belonged to the *Creek* nation, within the United States, in the year 1811, and that the government of Great Britain would support them in that pretension. He asserted [2 *a c.*] also this doctrine in a correspondence with colonel Hawkins, then the agent of the United States, with the Creeks. and gave him notice in their name, with a mockery of solemnity, [9.] that they had concluded a treaty of alliance, offensive, and defensive, and a treaty of navigation and commerce with Great Britain, of which more was to be heard after it should be ratified in England. Colonel Nicholls then evacuated his fort, which in some

of the enclosed papers, is called the fort at Prospect Bluff, but which he had denominated, the *British* post on the Apalachicola; took with him the white portion of his force, and embarked for England with several of the wretched savages, whom he was thus deluding to their fate, among whom was the prophet Francis or Hillis Hadjo, and left the fort, amply supplied with military stores and ammunitions, to the negro department of his allies. It afterwards was known by the name of the Negro Fort.

Colonel Hawkins immediately communicated to this government the correspondence between him and Nicholls, here referred to, (copies of which marked No. 1, to 5, are herewith enclosed,) upon which, Mr. Monroe, then Secretary of State, addressed a letter [10.] to Mr. Baker, the British Charge d' Affaires at Washington, complaining of Nicholls's conduct, and shewing that his pretence, that the ninth article of the treaty of Ghent, could have any application to his Indians, was utterly destitute of foundation. Copies of the same correspondence were transmitted to the minister of the United States, then in England, with instructions [11] to remonstrate with the British government against these proceedings of Nicholls, and to show how incompatible they were with the peace which had been concluded between the two nations. These remonstrances were accordingly made, first in personal interview with earl Bathurst and lord Castlereagh, and afterwards in written notes addressed successively to them, (copies of which, [12. *a. b.* 13. *a. b.*] together with extracts from the despatches of the American ministers to the Secretary of State, reporting what passed at those interviews, are enclosed.) Lord Bathurst, in the most unequivocal manner, confirmed the facts, and disavowed the misconduct of Nicholls; declared his disapprobation of the pretended treaty of alliance, offensive and defensive, which he had made, assured the American minister that the British goverument had refused to ratify that treaty, and would send back the Indians, whom Nicholls had brought with him, with advice to make their peace on such terms as they could obtain. Lord Castlereagh confirmed the assurance that the treaty would not be ratified; and if at the same time that these assurances were given, certain distinctions of public notoriety were shown to the prophet Hillis Hadjo, and he was actually honored with a commission as a British officer, it is to be presumed that these favors were granted him as rewards of past services, and not as encouragement to expect any support from Great Britain, in a continuance of savage hostilities, against the United States; all intention of giving any such support having been repeatedly and earnestly disavowed.

The negro fort, however, abandoned by colonel Nicholls, remained on the Spanish territory, occupied by the banditti to whom he had left it, and held by them as a post from whence to commit depredations, outrages, and murders, and as a receptacle for fugitive slaves and malefactors, [14.] to the great annoyance both of the United States and of Spanish Florida. In April,

1816, general Jackson wrote a letter to the governor of Pensacola, calling upon him to put down this common nuisance to the peaceable inhabitants of both countries. That letter, together with the answer of the governor of Pensacola, [15,] has already been communicated to the Spanish minister here, and by him doubtless to his government. Copies of them are nevertheless now again enclosed; particularly as the letter from the governor, explicitly admits that this fort, constructed by Nicholls in violation both of the territory and neutrality of Spain, was still no less obnoxious to his government than to the United States; but that he had neither sufficient force, nor authority without orders from the governor general of the Havanna to destroy it. It was afterwards [23.] on the 27th of July, 1816, destroyed by a cannon shot from a gun vessel of the United States, which in its passage up the river, was fired upon from it. It was blown up with an English flag still flying as its standard; and immediately after the barbarous murder of a boat's crew, belonging to the navy of the United States, by the banditti left in it by Nicholls.

In the year 1817, Alexander Arbuthnott, of the Island of New Providence, a British subject, first appeared as an English trader in Spanish Florida, and as the successor of colonel Nicholls in the employment of instigating the Seminole and outlawed Red Stick Indians to hostilities against the United States, by reviving the pretence that they were entitled to all the lands which had been ceded by the Creek nation to the United States, in August 1814. As a mere Indian trader, the intrusion of this man into a Spanish province, was contrary to the policy observed by all the European powers in this hemisphere, and by none more rigorously than by Spain, of excluding all foreigners from intercourse with the Indians within their territories. It must be known to the Spanish government whether Arbuthnott had a Spanish licence for trading with the Indians in Spanish Florida, or not; but they also know that Spain was bound by treaty to restrain by force all hostilities on the part of those Indians, against the citizens of the United States; and it is for them to explain, how consistently with those engagements, Spain could, contrary to all the maxims of her ordinary policy, grant such a license to a foreign incendiary, whose principal if not his only object appears to have been, to stimulate those hostilities which Spain had expressly stipulated by force to restrain. In his infernal instigations he was but too successful. [49.] No sooner did he make his appearance among the Indians, accompanied by the prophet Hillis Hadjo, returned from his expedition to England, (50,) than the peaceful inhabitants on the borders of the United States were visited with all the horrors of savage war; the robbery of their property, and the barbarous and indiscriminate murder of woman, infancy and age.

After the repeated expostulations, warnings, aud offers of peace, through the summer and autumn of 1817, on the part of the United States, had been answered only by renewed outrages, and after a detachment of 40 men, under lieutenant Scott, [51 *a*] accompanied by

seven women, had been waylaid and murdered by the Indians, [61] orders were given to general Jackson, and an adequate force was placed at his disposal to terminate the war. It was ascertained, that the Spanish force in Florida was inadequate for the protection even of the Spanish territory itself, against this mingled horde of lawless Indians and negroes; and although their devastations were committed within the limits of the United States, they immediately sought refuge within the Florida line, and there only were to be overtaken. The necessity of crossing the line was indispensable; for it was from beyond the line that the Indians made their murderous incursions within that of the United State. It was there that they had their abode; and the territory belonged in fact to them, although within the borders of the Spanish jurisdiction. There it was that the American commander met the principal resistance from them; there it was that were found [38] the still bleeding scalps of our citizens, freshly butchered by them; there it was that he released the only *woman* who had been suffered to survive the massacre of the party under lieutenant Scott. But it was not anticipated by this government, that the commanding officers of Spain in Florida, whose especial duty it was, in conformity to the solemn engagements contracted by their nation, to restrain by force those Indians from hostilities against the United States, would be found encouraging, aiding, and abetting them, and furnishing them supplies for carrying on such hostilities. The officer in command immediately before general Jackson, was therefore specially instructed to respect as far as possible the Spanish authority, wherever it was maintained; and copies of those orders were also furnished to general Jackson, upon his taking the command.

In the course of his pursuit, as he approached St. Marks, he was informed direct from the governor of Pensacola, that a party of the hostile Indians had threatened to seize that fort, and that he apprehended the Spanish garrison there was not in strength sufficient to defend it against them. This information was confirmed from other sources; and, by the evidence produced upon the trial of Armbrister, is proved to have been exactly true. By all the laws of neutrality, and of war, as well as of prudence and of humanity, he was warranted in anticipating his enemy by the amicable, and, that being refused, by the forcible occupation of the fort. There will need no citations from printed treatises on international law, to prove the correctness of this principle. It is engraved in adamant on the common sense of mankind. No writer upon the laws of nations, ever pretended to contradict it. None, of any reputation or authority, ever omitted to assert it.

At fort St. Marks, Alexander Arbuthnott, the British Indian trader from beyond the seas, the fire-brand, by whose touch this negro-Indian war against our borders had been rekindled, was found [34] an inmate of the commandant's family. And it was also found, that, by the commandant himself, councils of war had been permitted

to be held within it by the savage chiefs and warriors; that the Spanish storehouses had been appropriated to their use; that it was an open market for cattle, known to have been robbed by them from citizens of the United States, and which had been contracted for and purchased by the officers of the garrison; that information had been afforded from this fortlem. ibuthnott to the enemy, of the strength and movements of those oferican army; that the date of departure of express had been noted by the Spanish commissary, and ammunition, munitions of war, and all necessary supplies, furnished to the Indians.

The conduct of the governor of Pensacola was not less marked by a disposition of enmity to the United States, and by an utter disregard to the obligations of the treaty, by which he was bound to restrain by force the Indians from hostilities against them. When called upon to vindicate the territorial rights and authority of Spain, by the destruction of the negro fort, his predecessor had declared it to be not less annoying and pernicious to the Spanish subjects in Florida, than to the United States, but had pleaded his inability to subdue it. He himself had expressed his apprehensions, that fort St. Marks would be forcibly taken by the savages from its Spanish garrison; yet, at the same time, he had refused the passage up the Escambia river, unless upon the payment of excessive duties, to provisions, destined as supplies for the American army, which, by the detention of them, was subjected to the most distressing privations. He had permtted free ingress and egress at Pensacola to the avowed savage enemies of the United States. Supplies of ammunition, munitions of war and provisions had been received by them from thence. They had been received and sheltered there, from the pursuit of the American forces, and suffered again to sally thence, to enter upon the American territory and commit new murders. Finally, on the approach of general Jackson to Pensacola, the governor sent him a letter,[33] denouncing his entry upon the territory of Florida, as a violent outrage upon the rights of Spain, commanding him to depart and withdraw from the same, and threatening in case of his non-compliance to employ force to expel him.

It became therefore, in the opinion of general Jackson, [54] indispensably necessary to take from the governor of Pensacola the means of carrying his threat into execution. Before the forces under his command, the savage enemies of his country had disappeared. But he knew that the moment those forces should be disbanded, if sheltered by Spanish fortresses, if furnished with ammunitions and supplies by Spanish officers, and if aided and supported by the instigation of Spanish encouragement, as he had every reason to expect they would be, they would re-appear, and, fired, in addition to their ordinary ferociousness, with revenge for the chastisement they had so recently received, would again rush with the war-hatchet and the scalping-knife, into the borders of the United States, and mark every footstep with the blood of their defenceless citizens. So far as all the native resources of the savage extended, the war was at an end,

and general Jackson was about to restore to their families and their homes, the brave volunteers who had followed his standard, and who had constituted the principal part of his force. This could be done with safety, leaving the regular portion of his troops to garrison his line of forts, and two small detachments of volunteer cavalry to scour the country round Pensacola, and sweep off the remnant of savages, who had been scattered and dispersed by him. This was sufficient to keep in check the remnant of the banditti, against whom he had marched, so long as they should be destitute of other aid and support. It was in his judgment not sufficient, if they should be suffered to rally their numbers under the protection of Spanish forts, and to derive new strength from the impotence or the ill will against the United States of the Spanish authorities.

He took possession therefore of Pensacola, and of the fort of Barrancas, as he had done of St. Marks, not in a spirit of hostility to Spain, but as a necessary measure of self-defence; giving notice that they should be restored whenever Spain should place commanders and a force there, able and willing to fulfil the engagements of Spain towards the United States, of restraining by force the Florida Indians from hostilities against their citizens. The President of the United States, to give a signal manifestation of his confidence in the disposition of the king of Spain, to perform with good faith this indispensable engagement, and to demonstrate to the world, that neither the desire of conquest, nor hostility to Spain, had any influence in the councils of the United States, has directed the unconditional restoration to any Spanish officer, duly authorized to receive them, of Pensacola, and the Barrancas, and that of St. Marks to any Spanish force adequate for its defence, against the attack of the savages. But the President will neither inflict punishment, nor pass a censure, upon general Jackson, for that conduct, the motives for which were founded in the purest patriotism; of the necessity for which he had the most immediate and effectual means of forming a judgment; and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence. He thinks it, on the contrary, due to the justice, which the United States have a right to claim from Spain, and you are accordingly instructed to demand of the Spanish government, that inquiry shall be instituted into the conduct of Don Jose Mazot, governor of Pensacola, and of Don Francisco C. Luengo, commandant of St. Marks, and a suitable punishment inflicted upon them, for having, in defiance and violation of the engagements of Spain with the United States, aided and assisted these hordes of savages, in those very hostilities against the United States, which it was their official duty to restrain. This inquiry is due to the character of those officers themselves, and to the honor of the Spanish government. The obligation of Spain, to restrain *by force*, the Indians of Florida, from hostilities against the United States and their citizens, is explicit, is positive, is unqualified. The fact, that for a series of years, they have received shelter, assistance, supplies,

and protection, in the practice of such hostilities, from the Spanish commanders in Florida, is clear and unequivocal. If, as the commanders, both at Pensacola and St. Marks, have alleged.[32, 42] this has been the result of their weakness, rather than of their will, if they have assisted the Indians against the United States, to avert their hostilities from the province which they had not sufficient force to defend against them. it may serve in some measure to exculpate, individually, those officers; but it must carry demonstration irresistible to the Spanish government, that the right of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election, either to place a force in Florida, adequate at once to the protection of her territory, and to the fulfilment of her engagements, or cede to the United States a province, of which she retains nothing but the nominal possession, but which is in fact a derelict, open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose, than as a post of annoyance to them.

That the purposes, as well of the negro-Indian banditti, with whom we have been contending, as of the British invaders of Florida, who first assembled and employed them, and of the British intruding and pretended traders, since the peace, who have instigated, and betrayed them to destruction, have been not less hostile to Spain than to the United States, the proofs, contained in the documents herewith enclosed, are conclusive. Mr. Pizarro's note of 29th August, speaks of his catholic majesty's profound indignation at the "sanguinary executions on the Spanish soil of the subjects of powers in amity with the king;" meaning Arbuthnott and Armbrister. Let Mr. Pizarro's successor take the trouble of reading the enclosed documents, [49, 58.] and he will discover who Arbuthnott and Armbrister were, and what were their purposes; that Arbuthnott was only the successor of Nicholls, and Armbrister the agent of Woodbine and the subaltern of M'Gregor. Mr. Pizarro qualifies general Jackson's necessary pursuit of a defeated savage enemy beyond the Spanish Florida line, as a *shameful invasion of his majesty's territory*. Yet that territory was the territory also of the savage enemy, and Spain was bound to restrain them by force from hostilities against the United States: and it was the failure of Spain to fulfil this engagement, which had made it necessary for general Jackson to pursue the savage across the line. What then was the character of Nicholls's invasion of his majesty's territory, and where was his majesty's profound indignation at that? Mr. Pizarro says, his majesty's forts and places have been violently seized on by general Jackson. Had they not been seized on, nay had not the principal of his forts been blown up, by Nicholls, and a British fort on the same Spanish territory been erected during the war, and left standing as a negro fort, in defiance of Spanish authority, after the peace? Where was his majesty's profound indignation at that? Has his majesty suspended formally all negotiation with the sovereign of colonel Nicholls, for this shameful

invasion of his territory, without color of provocation, without pretence of necessity, without shadow or even avowal of a pretext? Has his majesty given solemn warning to the British government, that these were incidents "of transcendent moment, capable of producing an essential and thorough change in the political relations of the two countries." Nicholls and Woodbine, in their invitations and promises to the slaves to run away from their masters and join them, did not confine themselves to the slaves of the United States. They received with as hearty a welcome, and employed with equal readiness, the fugitives from their masters in Florida, as those from Georgia. Against this special injury the governor of Pensacola did earnestly remonstrate with the British admiral Cockburn. [See the document marked 25.] But against the *shameful invasion* of the territory; against the violent seizure of the forts and places; against the blowing up of the Barrancas, and the erection and maintenance, under British banners of the negro fort on Spanish soil; against the negotiation, by a British officer, in the midst of peace, of pretended treaties, offensive and defensive, and of navigation and commerce, upon Spanish territory, between Great Britain and Spanish Indians, whom Spain was bound to control and restrain; if a whisper of expostulation was ever wafted from Madrid to London, it was not loud enough to be heard across the Atlantic, nor energetic enough to transpire beyond the walls of the palaces from which it issued and to which it was borne.

The connexion between Arbuthnott and Nicholls, and between Armbrister, Woodbine and M'Gregor, is established beyond all question, by the evidence produced at the trials before the court-martial. I have already remarked to you on the very extraordinary circumstance, that a British trader, from beyond the sea, should be permitted by the Spanish authorities to trade with the Indians of Florida. From his letter to Hambly, dated 3d May, 1817, [see the document marked G in the proceedings of the court-martial,] it appears that his trading was but a pretence; and that his principal purpose was to act as the agent of the Indians of Florida, and outlaws from the Creeks, to obtain the aid of the British government in their hostilities against the United States. He expressly tells Hambly there, that the chief of those outlaws was the principal cause of his (Arbuthnott's) being in the country; and that he had come with an answer from earl Bathurst, delivered to him by governor Cameron of New Providence, to certain Indian talks, in which this aid of the British government had been solicited.

Hambly himself had been left by Nicholls as the agent between the Indians and the British government; but having found that Nicholls had failed in his attempt to prevail upon the British government to pursue this clandestine war, in the midst of peace, and that they were not prepared to support his pretence, that half a dozen outlawed fugitives from the Creeks were the Creek nation; when Arbuthnott, the incendiary, came, and was instigating them by promises of support from Great Britain, to commence their murderous incursions

into the United States, Hambly, at the request of the chiefs of the Creeks themselves, wrote to him, [47, 6.] warning him to withdraw from among that band of outlaws, and giving him a solemn foreboding of the doom that awaited him from the hand of justice, if he persevered in the course that he pursued. Arbuthnott nevertheless persisted; and while he was deluding the wretched Indians with the promise of support from England, he was writing letters for them [49, B. C. D. E. F.] to the British minister in the United States, to governor Cameron of New Providence, to colonel Nicholls, to be laid before the British government, and even to the Spanish governor of St. Augustine, and the governor general of the Havana, [H. *n* 2.] soliciting, in all quarters, aid and support, arms and ammunition, for the Indians against the United States, bewailing the destruction of the negro fort, and charging the British government with having drawn the Indians into war with the United States, and deserting them after the peace.

You will remark, among the papers produced on his trial, a power of attorney, [49 *n*. 1.] dated 17th June, 1817, given him by twelve Indians, partly of Florida, and partly of the fugitive outlaws from the United States. He states that this power, and his instructions, were to memorialize the British government and the governor general of the Havana. These papers are not only substantially proved, as of his hand writing, on the trial, but in the daily newspapers of London, of the 24th and 25th of August last, his letter to Nicholls [compare 47 *a*. and 49 F.] is published, (somewhat curiously garbled) with a copy [47 *b*.] of Hambly's abovementioned letter to him, and a reference to this Indian power of attorney to him, [compare 47 *c*. and 49 *n*. 1] *approved by the commandant of St. Marks, F. C. Luengo.* Another of the papers, is a letter written in the name of the same chiefs, by Arbuthnott, to the governor general of the Havana, [49 H.] asking of him permission for Arbuthnott to establish a warehouse on the Apalachicola; bitterly and falsely complaining, that the Americans had made settlements on their lands within the Spanish lines; and calling upon the governor general to give orders to displace them, and send them back to their own country. In this letter, they assign as a reason for asking the license for Arbuthnott, their want of a person to put in writing for them their talks of grievances against the Americans: and they add, "The commander of the fort of St. Marks has heard all of our talks and complaints. He approves of what we have done, and what we are doing; and it is by his recommendation we have thus presumed to address your excellency." You will find these papers in the printed newspapers enclosed, and in the proceedings of the court martial, and will point them out to the Spanish government, not only as decisive proofs of the unexampled compliances of the Spanish officers in Florida, to foreign, intrusive agents and instigators of Indian hostilities against the United States, but as placing beyond a doubt that participation of this hostile spirit in the commandant of St. Marks, which general Jackson so justly complains of, and of which we have so well founded a right to demand the punish-

ment. Here is the commandant of a Spanish fort, bound by the sacred engagement of a treaty, to restrain by force the Indians within his command from committing hostilities against the United States, conspiring with those same Indians, and deliberately giving his written approbation to their appointment of a foreigner, a British subject, as their agent to solicit assistance and supplies from the governor general of the Havana, and from the British government, for carrying on those same hostilities.

Let us come to the case of Armbrister. He was taken in arms; leading and commanding the Indians in the war against the American troops; and to that charge, upon his trial, pleaded guilty But the primary object of his coming there, was still more hostile to Spain than to the United States. You find [58] that he told three of the witnesses who testified at his trial, that he had come to this country *upon Mr. Woodbine's business at Tampa Bay*, to see the negroes righted; and one of them, that *he had a commission in the patriot army under M'Gregor*, and that he had expected a captaincy. And what was the intended business of M'Gregor and Woodbine at Tampa Bay? It was the conquest of Florida from Spain, by the use of those very Indians and negroes whom the commandant of St. Marks was so ready to aid and support in war against the United States. The chain of proof that establishes this fact, is contained in the documents communicated by the President to Congress, at their last session, relating to the occupation of Amelia Island by M'Gregor. From these documents you will find [56. 57, *a.*] that, while M'Gregor was there, Woodbine went from New Providence, in a schooner of his own, to join him; that he arrived at Amelia Island just as M'Gregor, abandoning the companions of his achievement there, was leaving it; that M'Gregor, quitting the vessel in which he had embarked at Amelia, went on board that of Woodbine, and returned with him to New Providence; that Woodbine had persuaded him they could yet accomplish the conquest of Florida, with soldiers to be recruited at Nassau, from the corps of colonial marines, which had served under Nicholls during the late war with the United States, which corps had been lately disbanded, and with negroes to be found at Tampa Bay, and 1500 Indians, already then engaged to Woodbine, who pretended that they had made a grant of all their lands there to him. Among the papers, the originals of which are in our possession, are, in M'Gregor's own hand-writing, instructions [57 *b.*] for sailing into Tampa Bay, with the assertion, that he calculated to be there by the last of April, or first of May, of the present year; a letter [*c*] dated 27th December last, to one of his acquaintance in this country, disclosing the same intention; and the extract of a proclamation, [*d*] which was to have been issued at Tampa Bay, to the inhabitants of Florida, by the person charged with making the settlement there, before his arrival, announcing his approach for the purpose of liberating them from the despotism of Spain, and of enabling them to form a government for themselves. He had persuaded those who would listen to him here,

that his ultimate object was to sell the Floridas to the United States. There is some reason to suppose, that he had made indirect overtures of a similar nature to the British government. This was Armbrister's business in Florida. He arrived there in March, the precursor of M'Gregor and Woodbine; and immediately upon his arrival, he is found [49] seizing upon Arbuthnott's goods, and distributing them among the negroes and Indians; seizing upon his vessel, and compelling its master to pilot him, with a body of armed negroes, towards the fort of St. Marks, with the declared purpose of taking it by surprise in the night; writing letters to governor Cameron of New Providence, urgently calling for supplies of munitions of war and of cannon for the war against the Americans, and letters to colonel Nicholls, renewing the same demands of supplies, informing him that he is with 300 negroes, "a few of our Bluff people," who had *stuck to the cause*, and were relying upon the faith of Nicholls's promises. "Our Bluff people" were the people of the negro fort, collected by Nicholls and Woodbine's proclamations during the American and English war; and "*the cause*," to which they stuck, was the savage, servile, exterminating war against the United States.

Among the agents and actors of such virtuous enterprizes as are here unveiled, it was hardly to be expected, that there would be found remarkable evidences of their respect, confidence and good faith towards one another. Accordingly, besides the violent seizure and distribution by Armbrister of Arbuthnott's property, his letters to Cameron, and to Nicholls, are filled with the distrust and suspicions of the Indians, that they were deceived and betrayed by Arbuthnott; while in Arbuthnott's letters to the same Nicholls, [49 F.] he accuses Woodbine of having taken charge of poor Francis the prophet, or Hillis Hadjo, upon his return from England to New Providence, and, under pretence of taking care of him and his affairs, of having defrauded him of a large portion of the presents which had been delivered out from the king's stores to him for Francis's use. This is one of the passages of Arbuthnott's letter [47 *a*] to Nicholls, *omitted* in the publication of it last August, in the London newspapers.

Is this narrative of dark and complicated depravity; this creeping and insidious war, both against Spain and the United States; this mockery of patriotism; these political philters to fugitive slaves, and Indian outlaws; these perfidies and treacheries of villains, incapable of keeping their faith, even to each other; all in the name of South American liberty, of the rights of runaway negroes, and the wrongs of savage murderers; all combined, and projected to plunder Spain of her province, and to spread massacre and devastation along the borders of the United States; is all this sufficient to cool the sympathies of his catholic majesty's government, excited by the execution of these two "subjects of a power in amity with the king?" The Spanish government is not at this day to be informed, that, cruel as war in its mildest forms must be, it is, and necessarily must be doubly cruel when waged with savages; that savages make no prison-

ers, but to torture them; that they give no quarters; that they put to death, without discrimination of age or sex. That these ordinary characteristics of Indian warfare, have been applicable in their most heart-sickening horrors to that war, left us by Nicholls, as his legacy, re-instigated by Woodbine, Arbuthnott, and Armbrister, and stimulated by the approbation, encouragement, and aid of the Spanish commandant at St. Marks, is proof required? Intreat the Spanish minister of State for a moment to overcome the feelings, which details like these must excite; and to reflect, if possible, with composure upon the facts stated in the following extracts, from the documents enclosed.

Letter from sailing-master Jairus Loomis to commodore Daniel T. Patterson, 13th August, 1816, reporting the destruction of the negro fort. [23.]

"On examining the prisoners, they stated that Edward Daniels, O. S. who was made prisoner in the boat, on the 17th July, *was tarred and burnt alive.*"

Letter from Archibald Clarke to gen. Gaines, 26th Feb. 1817. (Message P. U. S. to Congress, 25th March, 1818, p. 9.)

"On the 24th inst. the house of Mr. Garret, residing in the upper part of this county, near the boundary of Wayne county, (Georgia,) was attacked, during his absence, near the middle of the day, by this party (of Indians,) consisting of about fifteen, who shot Mrs. Garret, in two places, and then despatched her by stabbing and scalping. Her two children, one about three years, the other two months, were also murdered, and the eldest scalped: the house was then plundered of every article of value, and set on fire.

Letter from Peter B. Cook, (Arbuthnott's clerk,) to Eliz. A. Carney, at Nassau, dated Suwahnee, 19th January, 1818, giving an account of their operations with the Indians against the Americans; and their massacre of lieut. Scott and his party. [61.]

"There was a boat that was taken by the Indians, that had in, thirty men, seven women, four small children. There were six of the men got clear, and one woman saved, and all the rest of them got killed. The children were took by the leg, and their brains dashed out against the boat."

If the bare recital of scenes like these cannot be perused without shuddering, what must be the agonized feelings of those whose wives and children are from day to day, and from night to night, exposed to be the victims of the same barbarity? Has mercy a voice to plead for the perpetrators and instigators of deeds like these?—Should inquiry hereafter be made, why, within three months after this event, the savage Hamathli-Meico, upon being taken by the American troops, was by order of their commander immediately hung, let it be told, that that savage was the commander of the party, by which those women were butchered, and those helpless infants were thus dashed against the boat. Contending with such enemies, although humanity revolts at entire retaliation upon them, and spares the lives of

their feeble and defenceless women and children, yet mercy, herself, surrenders to retributive justice the lives of their leading warriors taken in arms, and still more the lives of the foreign, white incendiaries, who, disowned by their own governments, and disowning their own natures, degrade themselves beneath the savage character, by voluntarily descending to its level. Is not this the dictate of common sense? Is it not the usage of legitimate warfare? Is it not consonant to the soundest authorities of national law? "When at war (says Vattel) with a ferocious nation, which observes no rules, and grants no quarter, they may be chastised in the persons of those of them who may be taken; they are of the number of the guilty, and by this rigor the attempt may be made of bringing them to a sense of the laws of humanity." And again: "As a general has the right of sacrificing the lives of his enemies to his own safety or that of his people, if he has to contend with an inhuman enemy, often guilty of such excesses, he may take the lives of some of his prisoners, and treat them as his own people have been treated." The justification of these principles is found in their salutary efficacy, for terror, and for example.

It is thus only that the barbarities of Indians can be successfully encountered. It is thus only that the worse than Indian barbarities of European impostors, pretending authority from their governments, but always disavowed, can be punished and arrested. Great Britain yet engages the alliance and co-operation of savages in war. But her government has invariably disclaimed all countenance or authorization to her subjects to instigate against us in time of peace. Yet so it has happened, that, from the period of our established independence to this day, *all* the Indian wars with which we have been afflicted, have been distinctly traceable to the instigation of English traders or agents. Always disavowed, yet always felt; more than once detected, but never before punished; two of them, offenders of the deepest dye, after solemn warning to their government, and individually to one of them, have fallen, *flagrante delicto*, into the hands of an American general; and the punishment inflicted upon them has fixed them on high, as an example, awful in its exhibition, but we trust auspicious in its results, of that which awaits unauthorized pretenders of European agency, to stimulate and interpose in wars between the United States and the Indians within their control.

This exposition of the origin, the causes, and the character, of the war with the Seminole Indians, and part of the Creeks, combined with M'Gregor's mock Patriots and Nicholls's negroes which necessarily led our troops into Florida, and gave rise to all those incidents of which Mr. Pizarro so vehemently complains, will, it is hoped, enable you to present other and sounder views of the subject to his catholic majesty's government.

It will enable you to show, that the occupation of Pensacola and St. Marks was occasioned neither by a spirit of hostility to Spain, nor with a view to extort prematurely the province from her possession, that it was rendered necessary by the neglect of Spain to per-

form her engagements of restraining the Indians from hostilities against the United States, and by the culpable countenance, encouragement, and assistance, given to those Indians, in their hostilities, by the Spanish governor and commandant at those places; that the United States have a right to demand, as the President does demand, of Spain, the punishment of those officers for this misconduct; and he further demands of Spain a just snd reasonable indemnity to the United States for the heavy and necessary expenses, which they have been compelled to incur, by the failure of Spain to perform her engagements to restrain the Indians, aggravated by this demonstrated complicity of her commanding officers with them, in their hostilities against the United States—That the two Englishmen, executed by order of general Jackson, were not only identified with the savages, with whom they were carrying on the war against the United States, but that one of them was the mover and fomenter of the war, which, without his interference and false promises to the Indians of support from the British government, never would have happened; that the other was the instrument of war against Spain as well as the United States, commissioned by M'Gregor and expedited by Woodbine, upon their project of conquering Florida, with these Indians and negroes; that, as accomplices of the savages, and, sinning against their better knowledge, worse than savages, general Jackson, possessed of their persons and of the proofs of their guilt, might, by the lawful and ordinary usages of war, have hung them both without the formality of a trial; that, to allow them every possible opportunity of refuting the proofs, or of showing any circumstance in extenuation, of their crimes, he gave them the benefit of trial by a court martial of highly respectable officers; that the defence of one consisted solely and exclusively of technical cavils at the nature of part of the evidence against him, and the other confessed his guilt; finally, that, in restoring Pensacola and St. Marks to Spain, the President gives the most signal proof of his confidence, that hereafter her engagement to restrain by force the Indians of Florida from all hostilities against the United States, will be effectually fulfilled—that there will be no more murders, no more robberies, within our borders, by savages, prowling along the Spanish line, and seeking shelter within it, to display in their villages the scalps of our women and children, their victims, and to sell, with shameless effrontery, the plunder from our citizens, in Spanish forts and cities—that we shall hear no more apologies from Spanish governors and commandants of their inability to perform the duties of their office and the solemn contracts of their country, no more excuses for compliances to the savage enemies of the United States from the dread of their attacks upon themselves, no more harboring of foreign impostors upon compulsion—that a strength sufficient will be kept in the province, to restrain the Indians by force, and officers empowered and instructed to employ it effectually to maintain the good faith of the nation by the effective fulfilment of the treaty. The duty of this government to protect the persons and pro-

perty of our fellow-citizens on the borders of the United States is imperative: it *must* be discharged: and if after all the warnings that Spain has had,—if after the prostration of all her territorial rights and neutral obligations, by Nicholls and his banditti, during war, and of all her treaty-tipulations, by Arbuthnott and Armbrister, abetted by her own commanding officers, during peace, to the cruel annoyance of the United States—if the necessities of self defence should again compel the United States to take possession of the Spanish forts and places in Florida, declare, with the frankness and candor that become us, that another unconditional restoration of them must not be expected; that even the President's confidence in the good faith and ultimate justice of the Spanish government, will yield to the painful experience of continual disappointment; and that, after unwearied and almost unnumbered appeals to them for the performance of their stipulated duties, in vain, the United States will be reluctantly compelled to rely for the protection of their borders upon themselves alone.

You are authorized to communicate the whole of this letter, and the accompanying documents, to the Spanish government.

I have the honor, &c. &c.

(Signed) JOHN QUINCY ADAMS.

Extract of a letter, No 9, from Mr. Adams to Mr. Erving, dated

Department of State,
Washington, December 2, 1818.

"On the 27th of March last, the Spanish minister here, Mr. Onis, addressed a letter to this department, for the professed purpose of vindicating the character and conduct of the Spanish commanding officers in Florida, and of proving that they had invariably discharged their duties of friendly proceeding towards the United States, and the obligations of the treaty of 1795, by which Spain was bound to restrain, by force, the hostilities of her Indians in Florida, against the United States. To this letter are annexed fourteen documents; the greater part of which consist of remonstrances, addressed during the late war between the United States and Great Britain, to British officers, against their continual violations of the neutrality of the Spanish

territory. It is not however to those documents, but to the two numbered 13 and 14, as annexed to that letter, [66, 67,] that I wish to invite your attention. No. 13 is the *translation* of a letter, purporting to be from Bowlegs, one of the Seminole Indian chiefs, most inveterately hostile to the United States, to Don Jose Coppinger, governor of St. Augustine; a translation you will say—why a translation? and from what language? Neither governor Coppinger, nor Mr. Onis have furnished the means of answering that question. They are furnished however by the papers of Arbuthnott, which fell into general Jackson's hands. The language was English, and the original was written by Arbuthnott. The draught was found among his papers, and was produced to the court martial upon his trial, [49, No. 2, p. 34.] We naturally suppose that governor Coppinger, upon receiving a letter in English, from a Seminole Indian chief, must have been surprised, unless he knew from whom and whence it came. The substance of his answer shows that he did know, both whence it came, and the character of him by whom it was written. By the copies of the two letters, which are enclosed, you will see, in that of Bowlegs, a part of the systematic intrigues of Arbuthnott, to instigate, as well the Spanish commanders in Florida, as the savages, against the United States; and in that of governor Coppinger, a direct declaration to the Indians, that all his supposed causes of alarm and complaint, proceed "from the information of persons in whom he ought not to place the smallest confidence, it being their principle to employ such opportunities for the purpose of seducing him and his people from their daily labor." After offering his own friendly advice, the governor adds, "I am fearful, however, that the sentiments of those, who come into the territory, under the appearance of friendship, but with bad intentions, may influence your minds, and obtain your confidence, by their flattering representations." And finally, he complains that two persons had lately presented themselves as commissioners of the English nation, and carried off several runaway negroes, belonging to inhabitants of the province. It is apparent from this letter, that governor Coppinger was well informed of the operations of Arbuthnott and Woodbine, and that he saw them in their true colours. How then does it happen, that a year afterwards the Spanish commandant at St. Marks, is found so entirely leagued with Arbuthnott, as to sign his name to the approbation of a power of attorney, given to him by the hostile chiefs, to write letters and deliver talks, in their names; to hold councils of war with them at his quarters; to hold as prisoners, white persons, inhabitants of the province, taken by them, and to write a letter to Arbuthnott, asking him to come and confer with him upon subjects, which could not be committed to paper. The original of that letter, which is in bad French, and in the hand writing of the commandant of St. Marks, signed by him, is in our possession,[48.] A copy of it is among the papers enclosed. We cannot doubt that the Spanish government will consider it as a proof of the conspiracy of the commandant of St. Marks, with Arbuthnott and the Indians, against the

United States. Should he be put upon his trial, as you are instructed to demand, the original letter itself will be transmitted, to be exhibited to the court.

It is to be observed, that the original draught in Arbuthnott's hand writing, of the letter from Bowlegs to governor Coppinger, differs in several paragraphs from the translation communicated by Mr. Onis, as received by him from governor Coppinger. The following passage particularly, which appears in the draught, produced before the court martial, is not in the translation furnished by governor Coppinger. "The Spanish subjects in the Floridas are too much in the interests of the Americans to be our friends. For the governors, I shall always entertain the greatest regard; but for the people, they do not act so as to merit my esteem and protection." The remainder of the letter is nearly the same. We do not suppose that the omission was made by the governor, but rather that Arbuthnott, yet uncertain how such a reflection would be received, omitted it from the letter itself, which was transmitted to the governor.

The papers marked 62, 63, 64, and 68, are copies of originals, in the hand writing of Arbuthnott, taken with the rest of his papers; but not exhibited before the court martial. The sheet of his journal is of some importance, as establishing his connexion and dissatisfaction with Woodbine. 65 is a letter from him, said to be to an officer of rank, in England, (no doubt Nicholls,) dated 30th January, 1818, only three months before he was taken. The sheet of the journal, shows that Arbuthnott arrived, with Woodbine, from New Providence, at Suwany, about the last of October, 1816, and that they immediately commenced their operations with the Indians, against the United States. Bowlegs's letter to governor Coppinger, is dated the 18th of November, of that year, and apologizes for his not having sooner answered a letter of September, from the governor, by the impossibility he had been under of finding a person to write the answer from him. Among other complaints against Woodbine, in this journal, there is one, distinctly, that he had promised the savages assistance from the British government, without authority, and by direct falsehood, and he expresses an apprehension, that when the Indians find out that none of those promises are realized, their fury will fall upon himself."

No. 1.

Nicholls's letter and proclamation.

Head Quarters, Pensacola, August 31st, 1814.

SIR,

I have arrived in the Floridas for the purpose of annoying the only enemy Great Britain has in the world. As France and Eng-

land are now friends, I call on you, with your brave followers, to enter into the service of Great Britain, in which you shall have the rank of *captain*. LANDS will be given to you all, in proportion to your respective ranks, on a peace taking place; and I invite you out on the following terms: your property shall be guaranteed to you, and your person protected. In return for which, I ask you to cease all hostilities against Spain, or the allies of Great Britain. Your ships and vessels to be placed under the orders of the commanding officer on the station, until the commander in chief's pleasure is known; but I guarantee their fair value at all events.

I herewith enclose you a copy of my proclamation to the inhabitants of Louisiana, which will, I trust, point out to you the honorable intentions of my government; you may be a useful assistant to me, in forwarding them; therefore, if you determine, lose no time; the bearer of this, captain M'Williams, will satisfy you on any other points you may be anxious to learn, as will captain Lockyer, of the Sophia, who carries him to you. We have a powerful reinforcement on the way here, and I hope to cut out some other work for the Americans, than oppressing the inhabitants of Louisiana. Be expeditious on your resolves, and rely upon the veracity of

Your humble servant,

(Signed) EDWARD NICHOLLS,

Lt. col. com. H. B. M. forces in the Floridas.

To Mons. Laffite, or the commandant at Barataria.

By Lieutenant Colonel Edward Nicholls, commanding H. B. M. forces in the Floridas.

Natives of Louisiana, on you the first call is made, to assist in liberating from a faithless and imbecile government, your paternal

soil. Spaniards, Frenchmen, Italians, and British, whether settled or residing for a time in Louisiana, on you I also call to aid me in the just cause. The American usurpation in this country must be abolished, and the lawful owners of the soil put in possession. I am at the head of a large body of Indians, well armed, disciplined, and commanded by British officers. A good train of artillery, with every requisite, seconded by the powerful aid of a numerous British and *Spanish squadron* of ships and vessels of war. Be not alarmed, inhabitants of the country, at our approach; the same good faith and disinterestedness which has distinguished the conduct of Britons in Europe, accompanies them here. You will have no fear of litigious taxes imposed on you, for the purpose of carrying on an unnatural and unjust war; your property, your laws, the peace and tranquillity of your country, will be guaranteed to you by men who will suffer no infringement of theirs; rest assured, that these brave men only burn with an ardent desire of satisfaction for the wrongs they have suffered from the Americans, to join you in liberating these southern frontiers from their yoke, and drive them into the limits formerly prescribed by my sovereign. The Indians have pledged themselves in the most solemn manner, not to injure in the slightest degree, the persons or properties, of any but enemies to their *Spanish or English fathers. A flag* over any door, whether Spanish, French, or British, will be a sure protection. Nor dare any Indian put his foot on the threshhold thereof, under penalty of death from his own countrymen. Not even an enemy will an Indian put to death, except resisting in arms, and as for injuring helpless women and children, the red men, by their good conduct and treatment to them, will, if it be possible, make the Americans blush for their more than inhuman conduct lately, on the Escambia, and within a neutral territory.

Inhabitants of Kentucky, you have too long borne with grievous impositions. The whole brunt of the war has fallen on your brave sons; be imposed on no more; but either range yourselves under the standard of your forefathers, or observe a strict neutrality. If you comply with either of these offers, whatever provisions you send down, will be paid for in dollars, and the safety of the persons bringing it, as well as the free navigation of the Mississippi guaranteed to you. Men of Kentucky, let me call to your view, and I trust, to your abhorrence, the conduct of those factions, which hurried you into this cruel, unjust and unnatural war, at a time when Great Britain was straining every nerve in the defence of her own, and the liberties of the world, when the bravest of her sons were fighting and bleeding in so sacred a cause; when she was spending millions of her treasure in endeavoring to pull down one of the most formidable and dangerous tyrants that ever disgraced the form of man; when groaning Europe was almost in her last gasp, when Britain alone showed an undaunted front, basely did these assassins endeavor to stab her from the rear; she has turned on them, renovated from the bloody but successful struggle. Europe is happy and free, and she now hastens justly to

avenge unprovoked insults. Show them that you are not collectively unjust, leave that contemptible few to shift for themselves; let those slaves of the tyrant send an embassy to Elba, and implore his aid; but let every honest, upright American spurn them with merited contempt. After the experience of twenty one years, can you any longer support those brawlers for liberty, who call it freedom, and know not when themselves are free; be no longer their dupes, accept of my offer, every thing I have promised in this paper, I guarantee to you on the sacred honor of a British officer.

Given under my hand, at my head quarters, Pensacola, the 29th of August, 1814.

(Signed) EDWARD NICHOLLS.

(No. 2. *a.*)

Copy of a letter from Col. Nicholls to Col. Hawkins.

Appalachichola, 28th April, 1815.

Being absent from this post when your letter of the 19th ult. arrived, I take this opportunity to answer it. On the subject of the negroes lately owned by the citizens of the United States, or Indians in hostility to the British forces, I have to acquaint you, that, according to orders, I have sent them to the British colonies, where they are received as free settlers, and lands given to them. The newspaper you sent me, is I rather think, incorrect; at all events, an American newspaper cannot be authority for a British officer. I herewith enclose you a copy of a part of the 9th article of the treaty of peace relative to the Indians in alliance with us; they have signed and accepted it as an *independent* people, solemnly protesting to suspend all hostilities against the people of the United States. Within these few days I have had a complaint from the Seminole's chief Bowlegs. He states, that a party of American horse, have made an incursion into the town, killed one man, wounded another, and stole some of his cattle; also that they have plundered some of his people on their peaceable way from St. Augustine. May I request of you to inquire into this affair, and cause justice to be done to the murderer, and have the cattle restored. I strictly promise you that for any mischief done by the Creeks under me, I shall do all in my power to punish the delinquents and have the property restored.

The chiefs here have requested me further to declare to you (that in order to prevent any disagreeable circumstances from happening in future) they have come to a determination not to permit the least intercourse between their people and those of the United States. They have, in consequence, ordered them to cease all communication directly or indirectly with the territory or citizens of the United States; and they do take this public mode of warning the citizens of the United States from entering their territory, or communicating directly or indirectly with the Creek people. They also request that you will understand their territories to be as they stood in the year 1811. In my absence I have directed first lieutenant Wm. Hamley, the head interpreter, to communicate with you on any point relative to the Creeks; and I have given him my most positive orders, that he shall at all times do his best to keep peace and good neighborhood between the Creeks and your citizens.

I am, sir, your very humble servant,

(Signed) EDWARD NICHOLLS,

Commanding the British forces in the Floridas.

No. 2. *b.*

Paper enclosed in the above letter.

Part of the 9th article of the treaty of peace between his Britannic majesty and the United States, relative to the Indians who have been in alliance with Great Britain and in hostilities with the United States.

The United States of America engage to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights and privileges which they may have enjoyed, or been entitled to in 1811, previous to such hostilities, provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

We the undersigned, chiefs of the Muscogee nation, declared by his Britannic majesty to be a free and independent people, do, in the name of the said nation, agree to the 9th article of the treaty of peace

between his Britannic majesty and the United States. And we do further declare that we have given most strict and positive orders to all our people that they desist from hostilities of every kind, against the citizens or subjects of the United States.

Given under our hands at the British fort on the Appalachicola, the 2d day of April, 1815.

his
HEPOAETH MEICO, x
mark

his
CAPPACHIMICO, x
mark

his
HOPOY MEICO, T. P.
mark

Witnesses,

Edward Nicholls, Lieut. Col. commanding the Indians.
R. Bankes, com. H. M. brig Forward,
G. Woodbine capt. 1st Br. R. C. M.
Wm. Hambly, first lieut. R. C. M. and head interpreter.

I certify on honor that this is a true copy of the original.

ELI LESTER, *U. S. S. keeper, Fort Lawrence.*

No. 8.

Col. Nicholls to Col. Hawkins.

British post, Appalachichola river, May 12th, 1815.

In my letter to you of the 28th ult. I requested you would be so good as to make inquiry into the murder and robberies committed on the Seminoles belonging to the chief called Bowlegs, at the same time declaring my determination of punishing with the utmost rigor of the law any one of our side who broke it. Of this a melancholy proof has been given in the execution of an Indian of the Ataphalgo town by Hothly Poya Tustunnugee chief of Ocmulgees, who found him driving off a gang of cattle belonging to your citizens, and for which act of justice, I have given him double presents, and a chief's gun, in the open square before the whole of the chiefs; and highly extolled him,

These, sir, are the steps I am daily taking to keep the peace with sincerity; but I am sorry to say the same line is not taken on your side, nor have you written to say what steps you are taking, or intend to take to secure this mutual good. Since the last complaint from Bowlegs, I have had another from him to say your citizens have again attacked and murdered two of his people, that they had stolen a gang of his cattle, but that he had succeeded in regaining them.

I asked him what proof they had of their being killed. They said they had found their bloody clothes in the American camp, which was hastily evacuated on their approach. Now, sir, if these enormities are suffered to be carried on in a christian country, what are you to expect by showing such an example to the uncultivated native of the woods, (for savage I will not call them, their conduct entitles them to a better epithet.) I have, however, *ordered them to stand on the defensive, and have sent them a large supply of arms and ammunition, and told them to put to death, without mercy, any one molesting them;* but at all times to be careful, and not put a foot over the American line. In the mean time, that I should complain to you, that I was convinced you would do your best to curb such infamous conduct. Also, that those people who did such deeds, would, I was convinced, be disowned by the government of the United States, and severely punished. *They have given their consent to await your answer, before they take revenge;* but sir, *they are impatient for it, and well armed as the whole nation now is, and stored with ammunition and provisions, having a strong hold to retire upon in case of a superior force appearing, picture to yourself, sir, the miseries that may be suffered by good and innocent citizens on your frontiers, and I am sure you will lend me your best aid in keeping the bad spirits in subjection.* Yesterday, in a full assembly of the chiefs, I got them to pass a law, for four resolute chiefs to be appointed in different parts of the nation, something in the character of our sheriffs, for the purpose of inflicting condign punishment on such people as broke the law; and I will say this much for them, that I never saw men execute laws better than they do. *I am also desired to say to you by the chiefs, that they do not find that your citizens are evacuating their lands, according to the 9th article of the treaty of peace, but that they were fresh provisioning the forts.* This point, sir, I beg of you to look into. They also request me to inform you, that they have signed a treaty of offensive and defensive alliance with Great Britain, as well as one of commerce and navigation, which, as soon as it is ratified at home, you shall be made more fully acquainted with.

I am, sir, your very humble servant,

(Signed) EDWARD NICHOLLS,

Commanding his B. M. forces in the Creek nation.

Addressed—on his Britannic majesty's service,

to Col. Benjamin Hawkins, commanding at Fort Hawkins.

No. 4.

Colonel Hawkins to Colonel Nicholls.

Creek Agency, 24th May, 1815.

On the 18th I had the pleasure to receive your communication of the 28th ultimo. I expected, from the tenor of your orders which I conveyed to you from admirals Cochrane and Cockburn, on the 19th of March, that you had left the Floridas ere this, with the British troops under your command; and that Spain and the United States would have no more of British inteference in the management of their Indian affairs. The newspaper I sent you, was one in which the official acts of our government are published. There could be no motive for falsification; your deeming it incorrect, must have proceeded from a knowledge that your conduct in relation to the negroes was at variance with it. It would have been acceptable in the communication relative to the disposition of "the negroes taken from the citizens of the United States, or *Indians in hostility to the British*," to have received the number, particularly belonging to the latter. As peace is restored between Great Britain and the United States, I feel a reluctance to put on paper, any thing that may have the tendency to tarnish the British character, or that of any officer of its government; but I owe it to the occasion, to state the declaration of captain Henry, that "*the English are sent out by their great father and king, to restore his Indian people to their lands; and we are desired by him not to take away their negroes, unless they freely give them to us, or sell them for money,* is violated. It is proper, also, to add, I did not enrol any Indians into the service of the United States, until after the negroes of Marshall, Stedham, and Kinnard, three half breeds, were taken from them by force or stratagem, by British officers. Your restriction of the captain's declaration to negroes belonging to Indians friendly to Great Britain, if, by that, is meant Indians hostile to the United States, is an erroneous one, as there is not one Creek who has negroes so situated.

The Creek chiefs, to use a courtly phrase, have just cause, at least, to say this is an "unjustifiable aggression." You having acted by orders, and it being now beyond your control, a remedy must and will be sought for elsewhere.

The documents you enclose, signed by three chiefs, purporting to be the agreement of the Muscogee nation, to the 9th article of the treaty of peace, I shall lay before the chiefs of the nation, at a convention, soon to be held at Cowetau, and send you the result of their deliberations on it. The result of my reflections, with due deference I give you, as on the envelope it purports to be *on his Britannic majesty's service.* It is within my knowledge, one of the chiefs is a Seminole of East Florida, and has never resided in the United States; and that neither of the three has ever attended the national

councils of the Creeks, or are in any way a part of their executive government. If the four witnesses had signed it as principals, and the three chiefs as witnesses, it would have been entitled to equal respect from me.* Could you be serious in communicating such a nullity with their mock determination not to permit the least intercourse between their people, (meaning the Creek nation) and those of the United States, &c. As to the territory of the Seminoles, it being out of the United States, is an affair between them, and the government of Spain, and that of the Creek, is as fixed and guaranteed in their treaty stipulations with the United States. I do not know that any occurrences can happen, which will render it necessary for me to communicate with lieutenant William Hambly. If by doing so, I can render acts of kindness to Indians or others, it would afford me pleasure; but, under present impressions, the 5th article of the treaty of friendship, limits, and navigation between the United States, and the king of Spain, will govern me in all cases, respecting the Indians in the two Floridas.

I am with due regard, Sir,

Your obedient servant,

(Signed) BENJAMIN HAWKINS.

No. 5.

Colonel Hawkins to Colonel Nicholls,

Creek Agency, 28th May, 1815.

On the 24th, I wrote to you in reply to yours of the 28th ultimo, and since, have had the pleasure to receive yours of the 12th. I had received from Bowlegs, direct, a complaint of an outrage committed "by the people of Georgia, who had gone into East Florida, driven off his cattle, and destroyed his property." I have sent this complaint to the governor of Georgia, who will readily co operate with the officers of the general government, to cause justice to be done to the injured, if the complaint is true. The laws of the United States,

* Note. The witnesses, we believe, were colonel Nicholls, captain Woodbine, lieutenant Hambly, and captain Henry.

provide completely for the protection of the Indian rights, and those interested with their execution, have the power of doing it. All that is wanted is a proof against the transgressors.

The Indians of Aulotchwan, who, without provocation, murdered and plundered a number of the subjects of Spain on St. Johns, have engendered such a deadly feud between the parties, that it will be long before the descendants of the injured can forget and forgive. Spain, from her internal commotions, has not found it convenient to settle a peace between them; and these people, it is probable, are taken for Georgians. The Indians of this Agency, as well as those in the Floridas, have long known they have to apply through their chiefs, to me, for a redress of their grievances. The government of the Creeks is not an ephemeral one. Its last modification is of more than ten years standing. It was the work and choice of the nation, and has a check on the conduct of the Seminoles.

In 1799, a gentleman arrived where you are from England, who had been an officer on half pay. He came in the Fox sloop of war, furnished by the admiral on the Jamaica station, by order of the admiralty, "to facilitate to him a passage to his nation the Creeks." This gentleman, after attempting in various ways with the Seminoles, to usurp the government of the Creeks without success, created himself director general of Muscogee, declared war against Spain, murdered some of his subjects, and took St. Marks. He ordered me, with my assistants in the plan of civilization, out of the Creek nation.

I communicated his proceedings to the national councils, who had been previously acquainted with him, and who replied to him, that he had a title among them which he well merited, Cap, pe, tun, nee, lox, au, (the prince of liars) and no other," This director general of Muscogee, after playing a farce for two years, experienced a tragic scene, which deprived him of his liberty. He was put in irons by order of the council whose government he attempted to usurp, and sent to the governor general of Louisiana, to answer for his crimes. His Seminoles chiefs were glad to retire with impunity. After this, it was unanimously determined, in a national council of distinguished chiefs from every town, and a deputation of Choctaws, Chickasaws, and Cherokees, that the warriors should be classed, and held in readiness to execute the orders of the executive council, and that the agent for Indian affairs should have the power of executing the treaty stipulations of the Creeks with their white neighbors. Tookaubatche and Cowetau, alternately, as the occasion required, was appointed the permanent seat of their national councils, where national affairs alone could be transacted. They have now two speakers. When the council meets at Cowetau, Tustunnuggee Hopoie, as speaker for the Lower Creeks, is speaker for the nation; and when they meet at Tookaubatche, Tustunnuggee Thlucco, of the Upper Creeks, is speaker for the nation. Cowetau is head quarters for the present. The agent for Indian affairs can convene the council.

To this council, I communicated, in your own words, the pretensions of your three chiefs. They answer, "We have had colonel Nicholls' communication before us—that Hapoith Micco, Caupachau Micco, and Hapoie Micco, are the sovereigns of this nation We know nothing about them as such. We have often invited them to attend our talks. They never would come forward, and Hapoith Micco is a hostile Indian. They have nothing to do with our affairs. They reside in the Spanish territory."

After mentioning a solitary effort of yours "to keep the peace," you say, "I am very sorry to say the same line is not taken on your side, nor have you written to me to say what steps you are taking, or intend to take, to secure this mutual good:" You could not have expected I should communicate with you, when, from your orders you were so soon to leave the country. I have communicated to the national council, several outrages committed by banditti from the Seminoles, and other parts, upon the post road and frontiers of Georgia, repeatedly. They have in two instances had the guilty shot, and sent armed parties after others. As late as the 17th April, one man was killed, and four wounded, on the post road. Our wagons twice attacked, and one wagoner killed, several horses taken and carried, as reported, to your depot, at the very time the wagons were carrying seed corn for the Indians, and flour for the support of nearly 5000, totally destitute of food.

The measure in operation here, to preserve peace, is with an efficient force, red and white troops, to pursue, apprehend, and punish, all violators of the public peace. The executive council of the Creeks, are coutinually at Cowetau, with an assistant agent to take orders with the warriors when the necessity is apparent, and to call on me, when the aid of regular troops is necessary. We do not rely on the exertions of any one, but ourselves, to preserve peace among the Creeks, and between them and their neighbors of the United States, and the Floridas. We examine fairly, spare the innocent and punish the guilty; and in no case suffer revenge to carve for itself.

On an exparte hearing, you have "armed the Seminoles, and given orders to put to death, without mercy, any one molesting them." This is cruelty without example, scalping men, women, and children, for troubling or vexing only, and the executioners the judges. To gratify their revenge, the good and innocent citizens on the frontiers, are to be the victims of such barbarity. Suppose a banditti were to commit a violent outrage, such as that of the 17th April, are we to charge it on the unoffending people of the frontiers, and kill them without mercy, if we could not find out the guilty? You have issued the order, provided and issued munitions of war for its execution, prepared and provisioned a strong hold to retire upon, in case of superior force appearing, to protect them in this mode of gratifying their revenge. You will be held responsible, and your strong holds will certainly not avail. If you are really on the ter-

vice of his Britannic majesty, it is an act of hostility which will require to be speedily met, and speedily crushed. But, Sir, I am satisfied you are acting for yourself, on some speculative project of your own. The sovereign of Great Britain, could not, from his love of justice in time of peace, his systematic perseverance in support of legitimate sovereigns, almost to the impoverishing of his own nation, suffer any of his officers to go into a neutral country to disturb its peace.

If the Semenolie Indians have complaints to make, if they will do it through the chiefs of the Creek nation, or direct to me, or through an officer of his catholic majesty, as heretofore, I will cause justice to be done. In cases of murder, the guilty, if practicable, shall be punished, in case of theft restitution shall be made.

The treaties you have made for the Creek nation, with the authority created by yourself for the purpose, must be a novelty. It would surprise me much to see your sovereign ratify such as you have described them to be, with a people such as I know them to be, in the territories of his catholic majesty. I shall communicate what has passed on the subject between us, to the officers of Spain in my neighborhood, that they may be apprized of what you are doing.

As you may not have recent news from Europe, I send you some newspapers detailing important events there on the 4th of April.

I am, &c.

BENJAMIN HAWKINS,

Agent for Indian Affairs.

To Colonel Nicholls,

Commanding H. B. M. forces, Appalachicola.

No. 6. *a.*

General Gaines to the Secretary of War.

Head Quarters, Fort Stoddert, M. T.

SIR, *May* 14, 1815.

I have the honor to enclose herewith, the deposition of Samuel Jervais, which, taken in connexion with other accounts recently received from Apalachacola, and a letter from lieutenant colonel Saf-

fold, of the territorial militia, a copy of which is also enclosed, leave little doubt, that these deluded savages meditate a renewal of the war upon our frontier inhabitants.

I shall visit forts Montgomery and Claiborne, and endeavor to ascertain, without loss of time, the real designs of the Indians; and should they be for war, shall assemble a force to meet them.

The remains of the 2d and 3d regiments infantry, are now at the Pass Christian, and may be brought to this frontier in a few days; and added to the remains of the 24th and 39th, now at fort Montgomery, will give us a force of near 1000 men. With this force I shall be able to keep the Indians in check, and with another thousand, to consist of Choctaws and volunteers, I should feel sufficiently strong to make a decisive stroke upon the depots at Apalachacola, which I persuade myself the government may be at liberty to sanction; for until these depots (if they really exist) are destroyed, our frontier cannot but continue to be extremely insecure.

I am unable to say, how far the statement of Jervais is entitled to credit; but I have examined him attentively, and am under a strong impression that he has stated the truth; and that the supplies mentioned in his deposition, are not mistaken for those delivered last fall, but have really been delivered since the ratification of the treaty had been officially announced to the British troops at Apalachacola. These supplies were, however, brought to Apalachacola previous to the ratification of the treaty.

I have ordered the commanding officers of posts and corps, to hold their commands ready for active service; and have taken measures to prepare a small train of light artillery, with a proper supply of fixed ammunition, tools, camp equipage, &c. &c. for an Indian campaign. Whilst Spain permits our enemy to assemble forces, and make military depots for our annoyance, within her territory, surely she can make no reasonable objection to our visiting those depots. Besides, Spain is expressly bound by treaty "to restrain by force all hostilities on the part of the Indian nations living within her boundary." If she does not restrain them, we may conclude, that she has endeavored to do so, but is unable. Can she blame us, then, for restraining them ourselves?

I have the honor to be,
With the greatest respect and esteem,
Sir, your obedient servant,

EDMUND P. GAINES.
Major general by brevet.

The honorable A. J. Dallas,
acting as Secretary at War, Washington City.

P. S. I have written to major general Jackson upon the above subject, but as he is probably on his way to Washington, I have thought proper to address you direct. E. P. G.

No. 6. *b.*

Deposition of Samuel Jervais, enclosed in the above letter.

Samuel Jervais, being duly sworn, states, that he has been a sergeant of marines in the British service for thirteen years past That about a month ago he left Apalachachola, where he had been stationed for several months. That the English colonel, Nicholls, had promised the hostile Indians at that place, a supply of arms. and ammunition, a large quantity of which had been delivered to them a few days before his departure, and after the news of a peace between England and the United States being confirmed. had reached Apalachachola. That among the articles delivered were, of cannon four 12 pounders; one howitzer, and two cohorns; about three thousand stand of small arms, and near three thousand barrels of powder and ball. That the British left with the Indians between three and four hundred negroes, taken from the United States principally from Louisiana. That the arms and ammunition were for the use of the Indians, and negroes, for the purposes as it was understood, of war with the United States. That the Indians were assured by the British commander, that according to the treaty of Ghent all the lands, ceded by the Creeks, in treaty with general Jackson were to be restored: otherwise the Indians must fight for those lands, and that the British, would in a short time assist them.

[Signed] his SAML. ⋈ mark JERVAIS.

Sworn and subscribed to before me, this 9th May, 1815, at the town of Mobile.

[Signed] L. JUDSON, J. P.

No. 7.

General Gaines to A. J. Dallas, acting Secretary at War.

Head Quarters, Fort Stoddert, M. T.

May, 22d, 1815.

SIR,

I returned last night from fort Montgomery, where, though unable to obtain satisfactory information, as to the hostile intentions o

the Creek Indians, I learned that two of the party, mentioned in my last, had been killed, and some others wounded: and that the Indians had afterwards killed two of our citizens, a Mr West, and another, whose name, my informant, colonel Files, (from the settlement of Alabama, near where the act was perpetrated) had forgotten.

Some negro men, belonging to Don M'Gill, of Mobile, taken some months ago to Apalachacola, by the British, voluntarily returned a few days past. Their statement of the supplies and negroes, left by the British, corresponds with that, contained in the deposition of Jervais, enclosed in the letter which I had the honor to address to you on the 14th instant. The negroes add, that there are at Apalachacola nearly 800 Indian warriors, and that the negroes were permitted to remain with the Indians as freemen, or return to their masters, as they should elect, and that but few had agreed to return.

I feel convinced that the Indians are generally under the impressions that the lands ceded to the United States, by the treaty with general Jackson, must be restored, or that a war must ensue; and that their friends, the British, will re-establish them in the possession of these lands.

So industriously have these impressions been circulated by the British and Spanish agents among the Indians, that so far as I can learn, not only the chiefs, but the common warriors, are in the habit of saying, that the British treaty with the Americans, gives the Indians their lands, taken by the treaty with general Jackson.

Since writing the above, I have been furnished with the enclosed deposition of S. Dale, who is a major of militia.

I have the honor to be,

Most respectfully,

Sir, your obedient servant,

EDMUND P. GAINES,

Major general by brevet.

P. S. Since closing my letter, I learn that Nicholls, said to be a colonel in the British service, is still at Apalachacola, and that he has 900 Indians, and 450 negroes under arms. This account is brought by a very intelligent negro man, belonging to D. Kennedy, at Mobile. I think it goes to strengthen the accounts heretofore given, in my letter of the 14th instant.

E. P. GAINES.

The Hon. A. J. Dallas,
Acting Sec'y at War, Washington City.

No. 8.

Memorandum of a gentleman of respectability at Bermuda.

St. George, (Bermuda,) 21st May, 1815.

Capt. Rawlins, of H. M. ship Borer, has stated to me, in the course of various conversations, that at the time of his departure from Apalachacola, (which appears to have been about the 20th to the 28th April) the British had collected upwards of three hundred persons, at or near Prospect Bluff, partly deserters from the United States, and partly from the Spanish Provinces of East and West Florida. These people had been received and protected by colonel Nicholls of the royal marines, who was stationed at that place, and who appears to have been under the impression (at least he said so) that the Spanish authorities had no right to the country in that vicinity.

Admiral Cochrane, however, appears to have disapproved of Nicholls's conduct, in affording protection to the Spanish slaves; and had sent the Hon. captain Spencer to Pensacola, for the purpose of making arrangements for their restoration; who accordingly proceeded to Apalachicola. with captain Pentado, named commissioner on the part of the Spaniards.

It does not appear, that these gentlemen were successful in their mission; as it was undestood, that the refugees were not to be coerced; but merely such facilities afforded to those, who voluntarily agreed to return, as might be found necessary.

Much altercation has arisen out of this commission, in consequence of many officers having espoused the cause of the slaves; and, at one time, the life of captain Spencer had been threatened by the negroes. Captain Rawlins adds, that much ammunition, and a good many stands of arms, with some pieces of artillery, had been left with them; and that the fort constructed by colonel Nicholls *would not be destroyed.*

I have since learned, that the Carron, which must have sailed from Apalachacola, previous to the Borer, is arrived at Nassau, on her way to Bermuda, with 176 slaves of all ages. As she is daily expected, and as captain Spencer is now on his way here, it might be as well to wait their arrival, before you make any official communication to your government, on the subject. It is, however, obvious, that were you in possession of the whole facts, no time ought to be lost in recommending the adoption of speedy, energetic measures, for the destruction of a thing, held so likely to become dangerous to the state of Georgia. The Spaniards are not in a situation to do it, but I dare say would co-operate. I have learned, that the whole of the

slaves, brought from the United States, have been sent to Nova Scotia, with the exception of a few, that were lately shipped to the island of Trinidad, in H. M. ship the Levant; and such as have enlisted in the colonial marines, were in these islands. A few stragglers have contrived to get on shore in the Bermudas, and by the connivance of their colonized friends, to remain; very contrary to the wishes of the inhabitants, who are, in general, desirous of getting rid of them.

It has been whispered (I know not with what truth) that the people expected in the Carron, who are from Louisiana, and West Florida, are also to be sent to Trinidad.

The Carron is arrived; and this morning I understood from Messrs. James and Michael Carron, the agents of Sir Alexander Cochrane, the Carron was going to some part of the West Indies, unquestionably to Trinidad.

No. 9.

Address to the king of England, from the Indians, published in the English newspapers, of the 15th August, 1818.

We, the chiefs of the Muscogee nation, in full council assembled, on behalf of ourselves, and our people, do make the following requests of our good father, king George, and declare to him certain resolutions we have come to, with our reasons for so doing.

We conceive it to be indispensably necessary for our good, as well as to make us useful allies of Great Britain, that British officers should be constantly kept among us, and we request that our good father will grant us this favor. Since colonel Brown left us, we have been a prey to civil dissentions, fomented and kept up by our inveterate and never to be satisfied foe, the Americans; by their bad advice has brother been in the act of shedding the blood of brother, and when the land becomes thus desolated, they possess themselves of it, so that we shall soon be driven to the desert sands of the sea, from the fertile fields of our forefathers; and we are told, that the Spaniards will not let us trade with the British from the mouths of our rivers; we, therefore, further request, that our good father will secure for us the mouths of the rivers Apalachacola, Alabama, and St. Ma-

ry's; for if our communication is once more cut off from his children, we shall be totally ruined; we have fought and bled for him against the Americans, by which we have made them our more bitter enemies, and as he has stood the friend of the oppressed nations beyond the great waters, he will surely not forget the sufferings of his once happy children here. We therefore rely on his future protection and his fatherly kindness; we will truly keep the talks which his chief has given us, if he is graciously pleased to continue his protection; famine is now devouring up ourselves and our children, by reason of our upper town brethren being driven down upon us, in the time the corn was green, and now their miseries and necessities cause them to root up the seed of our future crop, so that what we sow in the day, we are obliged to watch at night. Was it not for the powder we get from your chief, the whole of the nation would be in dust; the Red Sticks have shot and eat up almost the whole of our cattle; for they have seen their children digging in the woods for want, and who can blame them when they are pressed by such cruel necessity. Thus we are situated, and we are only looking to the departure or the stay of your children, as the signal of our destruction or prosperity. In former times, after the British left us, to show our love and regard for their nation, we made a grant of our lands to the house of Panton, Leslie and Co., and latterly to the house of John Forbes and Co. on certain terms, that they were to settle the lands with British men, and keep up a sufficient and good assortment of all sorts of merchandise suitable to our wants; but instead of their doing this, they have attempted to settle our lands with Americans, and have refused to supply us with powder, when we were attacked by our enemies, and have urged us to declare for the Americans against the British, and have offered rewards to us for that purpose, and they have actually written to their agents who reside among us, desiring them to obstruct the British officers, all in their power, from assisting us, and to represent to them, also, how impossible it would be for them to succeed against the Americans, and we having intercepted their letters, did deliver them to lieut. col. Nicholls, who is our witness, and the said letters were delivered by an Indian to John Forbes, at St. Augustine, to be forwarded by him as aforesaid; and as it does stand thus, on unquestionable proof that the said house of Forbes and Co. have shamefully broken their contracts with us, we do, in this our full assembly, declare all their property in our nation, to be confiscated to the nation; and we further annul and declare void our grant or grants of lands accordingly, warning them, and all belonging to them, never to appear again in the nation. And the United States, or some part thereof, have thought proper to run a line or wagon road through the Indian nation, from Hartford, in Georgia, to Mobile, in West Florida, without our consent, and to our great hurt and annoyance.

We implore our good father that he will cause them to disuse the said road, and to cease all communication between them and us, as we are determined to cease having any communication with them,

and we warn all Americans to keep out of this nation. And whereas, that a young chief, called M'Intosh, was sent with a message of remonstrance against the abovementioned road being run, and of several other encroachments on the Tombigby, Cooza, and Alabama rivers; instead of his making such remonstrance, he suffered himself to be tricked by our enemy, and unlawfully sold to them a large tract of land, on and about the rivers Aconee, Oakemulgee, which tracts of land we implore our good father to use his endeavor in getting restoration of them, and that the Americans may be obliged to withdraw from them. The abovementioned M'Intosh holds a commission as major in the American army, and of the Creek regiment; he has caused much blood to be spilt, for which we denounce him to the whole nation, and will give the usual reward of the brave, to any one who may kill him, he having on a recent occasion, killed and scalped a brother, who was on an errand of peace to our Cherokee brethren, for no other reason alledged against him, than his having British arms about him, and in this, we are told he has been encouraged by colonel Hawkins, although long after peace was declared and all hostility ordered to cease. We further request lieutenant colonel Nicholls will return our grateful thanks to our good father, and his chiefs, by sea and land, for the useful and good presents he has sent to us by them; and also, that the lieutenant colonel, and the officers with him in this nation, will receive our thanks for their brotherly conduct to us; and whereas, our good father having made a peace with the United States of America, and according to his true talk, he has not forgotten the interests of us, his children, but has caused to be respected our lands, and guaranteed the integrity of them to us; we do declare them, or him, to be traitors to this nation, who shall, without his and our consent, sell, or make over to any foreign power, any part thereof; and we do further declare, that whosoever shall endeavor, directly, or indirectly, to separate us from him or his children, to be the enemy of us and our children; and that we will not trade or barter with any other than the British nation, if the above requests be complied with, and we do promise to give grants of land to all such British men as our good father shall give permission to stay amongst us, and that we will do our best to protect and defend them in their laws and property; and we send, as our representative, our brave brother Hidlis Hadgo, (Francis) to our father, who is authorized to ratify this treaty.

Given under our hands, at the British fort, at the confluence of the Chatutouchee and Flint rivers, this 10th March, 1815.

Hopoath Mico, *king of the four nations*, x *his mark.*
Hopy Mico, x T. P.
Nehemathla, 1st x.
Justomic Hago, x
Onus Hago, x

Nehemathla, 2d x
Nehemathla, 3d x
Justomic Emathla, x
Octaithge Hago, x
Acopehigemathlo, x
Tatao Mico, x
his
Hopoathla Justanuggee, x
mark.
Conope Mathla, x
Yatoule Mathla, x
Johnson, x
Hidlis Hadgo, x
And fourteen other chiefs.

Witness—Ed. Nicholls, lieutenant colonel.
H. Boss, captain, rifle corps.
Jos Roche, captain 1st West India regiment.
Wm. Hambly, lieutenant, and 1st interpreter.

No. 10.

Extract of a letter from the Secretary of State, to Mr. Baker, dated July 10, 1815.

The conduct of colonel Nicholls, who has taken a position on the Apalachacola, within the Spanish territory, is, on the same principle, entitled to particular attention; I transmit to you a copy of a correspondence between him and colonel Hawkins, agent of the United States with the Creeks, and also an extract of a letter from major general Gaines, with the affidavit of Samuel Jervis, which show the nature and effect of his extraordinary, and unjustifiable interference with that nation. It appears by colonel Nicholls's letter, that he considers our treaty with the Creeks, though made several months before the treaty with Great Britain, as rendered void by the latter, and that he is endeavoring to impress that opinion on them, and to excite them to hostility, in support of it; that he has supplied them with arms and ammunitions of war, and had actually formed a treaty of

alliance, offensive and defensive, with certain Indians, whom he calls the Creek nation, which he has sent to his government for ratification; that, in short, he had made Apalachicola a military station, at which he had collected a large body of Indians, and fugitive slaves from the United States, evidently for hostile purposes, against the United States. The conduct of this officer is of too marked a character to require any comment. His proceedings are utterly, and evidently incompatible with the late treaty with Great Britain, and with the amicable relations established by it, between our countries. In calling your attention to these proceeding, it is not my object to dwell on each particular act, of which I complain. I shall remark generally, that as the treaty with the Creeks was concluded before the treaty of peace with Great Britain, the 9th article of that treaty has no bearing with that nation, and that any interference of colonel Nicholls, or other British agent with the Creeks, however slight, is improper and unjustifiable.

The President cannot doubt that the conduct of colonel Nicholls, and of the other British agents, as stated in the correspondence, which is communicated, is unauthorized by your government, and that they will be justly censured and punished by it. In the mean time, as you were particularly empowered, to act in all circumstances, connected with the execution of the late treaty of peace, I am persuaded that you will readily interpose your authority, to put an end to proceedings of a nature so unwarrantable, and which have already produced such injurious effects."

No. 11.

Extract of a letter from the Secretary of State, to Mr. Adams, dated

Department of State,

July 21st, 1815.

"The conduct of colonel Nicholls to the south is still more extraordinary. Having noticed it in sufficient detail in my letter to Mr. Baker, I refer you to that paper for the necessary information respecting it.

It may be fairly presumed, that these acts were not authorized by the British government; that they are imputable only to Indian agents, and those under whom they act in this country. They nevertheless deserve reprehension, which it is expected that the British government will not hesitate to inflict."

No. 12. *a.*

Extracts of a letter from Mr. Adams to the Secretary of State, stating the substance of a conversation with Earl Bathurst, dated

London, September 19th, 1815.

"I said that the American government had been peculiarly concerned at the proceedings of colonel Nicholls, because they appeared to be marked with unequivocal and extraordinary marks of hostility." "Why, said lord Bathurst, to tell you the truth, colonel Nicholls is, I believe, a man of activity and spirit, but a very wild fellow. He did make and send over to me a treaty, offensive and defensive, with some Indians; and he is now come over here, and has brought over some of those Indians. I sent for answer, that he had no authority whatever to make a treaty offensive and defensive with Indians, and that this government would make no such treaty. I have sent him word, that I could not see him upon any such project. The Indians are here, in great distress indeed; but we shall only furnish them with the means of returning home, and advise them to make their terms with the United States, as well as they can." "Perceiving that I had particularly noticed his declaration, that he had declined seeing colonel Nicholls, he said that he should, perhaps, see him upon the general subject of his transactions, but that he had declined seeing him in regard to his treaty with the Indians."

"In this conversation, lord Bathurst's manner, like that of lord Liverpool in the conference which I had about a month before with him, was altogether good humored and conciliatory. The conduct of all the officers and persons complained of, was explicitly disavowed; and I understood, at first, the observation of lord Bathurst that he had declined seeing colonel Nicholls, as an intimation that it was intended to exhibit towards that officer, unequivocal marks of displeasure. But the subsequent explanation left me to conclude, that, although the disapprobation of his proceedings was strongly expressed to me, the utmost extent of it that would be shown to him, would be the refusal to ratify his treaty, offensive and defensive, with the Indians."

No. 12. *b.*

Extract of a note from Mr. Adams to Earl Bathurst, dated London, 25th September, 1815.

"In the conference with your lordship with which I was honored on the 14th instant, I represented to you, conformably to the in-

structions which I had received from the government of the United States, the proceedings of several British officers in America, and upon the American coast, marked with characters, incompatible, not only with those amicable relations which it is the earnest desire of the American government to restore and to cultivate, but even with the condition of peace, which had been restored between the two countries by the treaty of Ghent.

It was with the highest satisfaction that I understood your lordship, in the name of the British government, to disavow the proceedings of all those officers, of which it had been my duty to complain; and that I received from you the assurance, that orders had long since been given for the restoration of the post of Michilimakinac to the United States; that instructions had been given to promote by all suitable means, the restoration of peace between the Indians and the United States; and particularly, that colonel Nicholls, in pretending to conclude a treaty offensive and defensive with certain Indians, belonging within the jurisdiction of the United States, had not only acted without authority, but incurred the disapprobation of his majesty's government."

No. 13. *a.*

Extract of a letter from Mr. Adams, to the Secretary of State, containing the substance of a conversation with lord Castlereagh, dated London, 8th February 1816.

"I next observed, that, at the other extremity of the United States, the Indians again appeared in the shape of disturbers of the peace between our countries. I recapitulated your remonstrances to Mr. Baker, and mine, by your order, to lord Bathurst, against the conduct of col. Nicholls; that officer's pretended treaties of alliance, offensive and defensive, and of commerce, and navigation, with certain runaway Indians, whom he had seen fit to style the Creek nation; and the very exceptionable manner in which he had notified his transactions to the agent of the United States with the Creeks, with an intimation that we were to hear more about these treaties, when they should be ratified in England. I mentioned that lord Bathurst

had in the most candid, and explicit manner, *verbally* disavowed to me these poceeding of colonel Nicholls; had told me that the pretended treaty of alliance, offensive, and defensive, had been indeed transmitted by the colonel for ratification; but this government had refused to ratify it, and informed colonel Nichols, that they would agree to no such treaty; that the colonel had even brought over some of his Indians here, who would be sent back, with advice to make their terms with the United States as they could. These *verbal* assurances, I had reported to my government, and presumed they had been received with much satisfactiou. Whether they had been repeated in a more formal manner, and in any written communication, I had not been informed. I had noticed the conduct of colonel Nicholls, in one of my notes to lord Bathurst, and to that part of the note, had received no answer. As the complaint had also been made through Mr. Baker, a written answer might, perhaps. have been returned through that channel. My motive for referring to the subject now, was, that by the President's message, to congress, at the opening of the session, I perceived that the conduct of the Indians in that part of the United States still threatened hostilities, and because there, as in the more northern parts, the Indians would certainly be disposed to tranquillity and peace with the United States, unless they should have encouragement to rely upon the support of Great Britain. Lord Castlereagh, said with a smile, that he had a good many treaties to lay before parliament, but none such as those I described, were among them."

No. 13. *b.*

Extracts of a note from Mr. Adams to Lord Castlereagh, dated

London, 21*st March*, 1816.

"It has been more than once a painful part of the duty of the undersigned to represent to his majesty's government, the unfriendly dispositions, manifested by British military officers in America, towards the United States, since the peace between the two countries; and to point out specific and unequivocal facts, by which those officers, far from exerting themselves to carry into effect the avowed object of their own government, of securing to the Indians who had followed the British standard during the war, the blessings of the pacification, have labored with an activity as restless, and a zeal as ar-

dent as they could have done in the heat of war, to instigate Indians, belonging within the territorial jurisdiction of the United States, to continued or renewed hostility against them. When in the course of last summer, the undersigned had the honor of exposing to earl Bathurst the transactions deeply marked with this character of colonel Nicholls, he was happy to receive from his lordship, verbally, at once the confirmation of the facts, and the disavowal of the measures. Col. Nicholls after the conclusion of the peace between his sovereign and the United States, not only used every effort in his power to urge to war against the United States, tribes of Indians with whom they were then at peace, and who were far remote from any British possession whatever, but actually concluded a pretended treaty of alliance offensive and defensive between some of them and Great Britain, against the United States. Of this treaty, earl Bathurst, in a conference with the undersigned, expressed himself in terms of unqualified disapprobation; adding that it had not been ratified or approved, and that no such treaty would be made or agreed to by Great Britain. In the pursuit of his projects, colonel Nicholls brought over some of these Indians to England; but as lord Bathurst, in the most explicit manner, assured the undersigned that no use of them, hostile to the United States, would be made by Great Britain, the undersigned is persuaded that determination has not been departed from by his majesty's government."

"How far the threat of Indian vengeance is becoming to the humanity of British officers, or the dignity of their government, in a correspondence with the officers of a civilized nation, and in a time of peace, the undersigned leaves to his majesty's government to decide. Neither colonel Nicholls, nor colonel James, was ashamed to use it, and it would be treated by the undersigned, as it was by the officers of the United States to whom it was addressed, were it not his duty to remark, that in condescending to be the heralds of this menace, those officers sufficiently indicated that they understood its being carried into execution or not, depended upon them; that they viewed themselves as the regulators, to restrain or to license Indian barbarity, at their discretion; that they, British military officers, called upon the civil authority of the United States, to satisfy the revenge of Indian savages, belonging within the American juridiction, for acts committed upon the American territory; threatening as the alternative, to let loose those savages to wreak their own vengeance, in all its fury, upon American women and children."

"Independently of the very serious character of these transactions in themselves, the undersigned entreats the attention of the British government, to the spirit by which they were dictated. This excessive earnestness of British authorities, military and civil, to hold themselves forth as the protectors, through right and through wrong of Indians, not belonging to British territories, however politic it may be deemed to embitter enmities, and to provoke hostilities between the Indians and the Americans, cannot but excite animosities far more

formidable between the British and American nations. If persevered in, it must eventually prove most pernicious and fatal to the Indians themselves. The occasion will justfy the expression of the hope that orders and instructions will be issued to the local authorities of the British colonies in North America, which will leave no doubt on the minds of those invested with them, that the real extention of Great Britain towards the United States, is peace."

No. 14.

General Jackson to the Governor of Pensacola.

Head Quarters, Division of the South,
Washington, M. T. 23d April, 1816.

SIR,

I am charged by my government to make known to you, that a negro fort, erected during our late war with Great Britain, at or near the junction of the Chatahouchee and Flint rivers, has been strengthened since that period, and is now occupied by upwards of two hundred and fifty negroes, many of whom have been enticed away from the service of their masters, citizens of the United States; all of whom are well clothed and disciplined. Secret practices to inveigle negroes from the citizens of Georgia, as well as from the Cherokee and Creek nations of Indians, are still continued by this banditti and the hostile Creeks.

This is a state of things which cannot fail to produce much injury to the neighboring settlements, and excite irritations which eventually may endanger the peace of the nation, and interrupt that good understanding which so happily exists between our governments.

The principles of good faith, which always insure good neighborhood between nations, require the immediate and prompt interference of the Spanish authority, to destroy or remove from our frontier this banditti, put an end to an evil of so serious a nature, and return to our citizens and friendly Indians inhabiting our territory, those negroes now in the said fort, and which have been stolen and enticed from them. I cannot permit myself to indulge a belief, that the governor of Pensacola, or the military commander of that place, will hesitate a moment in giving orders for this banditti to be dis-

persed, and the property of the citizens of the United States forthwith restored to them, and our friendly Indians particularly, when I reflect that the conduct of this banditti is such as will not be tolerated by our government, and if not put down by Spanish authority, will compel us, in self defence, to destroy them. This communication is entrusted to captain Amelung, of the first regiment of United States infantry, who is charged to bring back such answer as you may be pleased to make to this letter. In your answer you will be pleased to state, whether that fort has been built by the government of Spain, and whether those negroes who garrison it are considered as the subjects of his catholic majesty, and if not by his catholic majesty, by whom and under whose orders it has been erected.

(Signed) ANDREW JACKSON,
Maj. Gen. commanding Division of the South.

To the Governor of Pensacola, or
Military Commander of that place.

A true copy—ISAAC L. BAKER, *Aid-de-camp.*

(Translated copy.)

No. 15.

Governor Zuniga to General Jackson.

Most Excellent Sir,

On the 24th of the present month, captain Amelung, of the first United States' regiment, put into my hands your excellency's letter, dated at Washington, Mississippi territory, on the 23d of April last, in which, after apprizing me, that your government had given it in charge to you to inform me, that the fort of the negroes, erected during the last war, (with Great Britain,) near the junction of the Chatahouche and Flint rivers, had been reinforced, and was now occupied by more than two hundred and fifty negroes, many of whom were seduced from the service of their masters, (who are

citizens of the United States,) and that all of them are well armed, provisioned, and disciplined; you make many wise reflections, with respect to the serious injuries, which may result from tolerating such an establishment, not only to those in the immediate neighbourhood of it, by disturbing the peace of the nation, but likewise to the good understanding which happily exists, between our respective governments: you enter into an investigation, to show what the Spanish authorities ought to do, to put an end to an evil of so serious a nature, in the mode prescribed by the principles of good faith, which are the foundation of friendly neighborhood among nations: you distinctly state, what the government ought immediately to do, in failure of which, your government will be obliged to do it, to ensure the safety of the inhabitants of the United States: and you conclude by requesting me to state, in my answer to your letter, whether the said fort has been constructed by the Spanish government, and whether the negroes, who compose its garrison, are deemed subjects of his catholic majesty; and if the fort was not built by Spanish authority, to state by what authority, and by whose order, it was built.

In answer to your excellency, I will state, (with the veracity which comports with the character of an honorable officer, in which class I rank myself,) that having arrived at this place, nearly at the close of the month of March, preceding, and being informed of what your excellency has communicated to me, (with this difference, that the fort, instead of being where you place it, is to be found on the eastern bank of the Apalachicola, at about fifteen miles from its mouth or entrance into the sea,) I lost no time in proposing to my captain general, the measures which appeared to me proper as well for securing the inhabitants of the country under my command, from the damages, losses, and injuries which they have suffered, and still suffer from this establishment, as to prevent the American citizens, and the friendly Indians of the neighborhood from continuing to experience them. I have hitherto received no answer, and consequently your excellency, (who knows how limited are the powers of a subordinate officer,) cannot be surprised, that I should make known to you, that although my mode of thinking exactly corresponds with yours, as to dislodging the negroes from the fort, the occupying it with Spanish troops, or destroying it, and delivering the negroes who may be collected to their lawful owners, I shall not be able to act until I receive the orders of my captain general, and the assistance necessary to enable me to undertake the enterprize with a moral certainty of accomplishing the end. I am persuaded that the determination of the said chief cannot be long delayed; and, should it authorize me to act, your excellency may rest assured and persuaded, that I will not lose an instant in adopting, on my part, the most efficacious measures for cutting up by the root an evil, which is felt to the full extent stated in your letter, by the inhabitants of this province, who are the subjects of my sovereign, and whose prosperity and tranquillity it is my duty to preserve and protect.

With this explanation, your before named letter may be considered as fully answered, as it gives me pleasure to understand, that thinking as your excellency thinks, with respect to the necessity of destroying the negroes, the fort at Apalachicola, occupied by them, was not constructed by orders of the Spanish government; and that the negroes, although in part belonging to inhabitants of this province, and, as rational beings, may be the subjects of the king my master, are deemed by me insurgents, or rebels against the authority, not only of his catholic majesty, but also of the proprietors from whose service they have withdrawn themselves; some seduced by the English colonel Nicholls, major Woodbine, and their agents, and others from their inclination to run off. But as your excellency manifests a particular desire, that, in case the fort was not erected by Spanish authority, I should state by what authority, and by whose orders, it was erected; I have no difficulty in satifying your curiosity, by informing you, that I have understood ever since my arrival at this place, that the said fort, and another near the confluence of the Chatahouche and Flint rivers, (which it appears no longer exists) were built by the order of the before named colonel Nicholls I will not assure you that he did it under authority from his government; but I can say, that he proceeded to place artillery, munitions and provisions in it, by the arrangement of vice admiral Malcolm; and, that when colonel Nicholls and the troops of his detachment, after the conclusion of the expedition against Louisiana withdrew from that point, he left orders with the negroes, totally contrary to the incontestable right of sovereignty, which the king my master exercises, from the line of the 31° of north latitude to the south. My predecessors in this government, have given an account of all these actions to the authorities on whom they depended, that the satisfaction which the violation required might be demanded, by those on whom this duty devolves.

I think I have answered your excellency's letter satisfactorily, and in terms which cannot leave a doubt of the sincerity of my intentions in favor of the common cause of the American and Spanish inhabitants; and that my present inaction does not proceed from a want of inclination. I likewise flatter myself, that, until my captain general decides, no steps will be taken by the government of the United States, or by your excellency, which may be prejudicial to the sovereignty of the king my master, or the district of Apalachicola, which is a dependency of this government. And finally, I conclude by assuring your excellency, that it will afford me particular satisfaction to have opportunities of evincing my desire, not only to contribute, so far as depends on me, to the cementing of the good understanding which subsists between our respective governments, but also to prove to your excellency, the high opinion I entertain of your virtues and military talents. God preserve your excellency many years. *Pensacola, 26th May*, 1818.

(Signed) MAURICIO DE ZUNIGA.

His excellency Andrew Jackson.

No. 16.

Report of Captain Amelung to General Jackson.

New Orleans, June 4th, 1816.

SIR,

In obedience to your order, received on the 6tth of May last, I proceeded the next day for Pensacola; but owing to adverse winds, (having to wait 12 days at the Bay St. Louis) I only arrived at that place on the 24th May. I was received and treated with great attention, by the governor and his officers, and after receiving his answer to your letter. I left there on the 27th, and arrived here on the 2d instant.

I have the honor to transmit herewith the answer of the governor, which I think embraces all the points, touched upon in your letter; and also take the liberty to subjoin a translation thereof; as it might happen, that no person is near you, understanding the Spanish language. I am firmly of opinion, that the governor asserts the truth in his communication; and am convinced, that the inhabitants of Pensacola have suffered, and do now suffer, more than our citizens, from the existence of the fort, and its garrison.

I also take the liberty of communicating such intelligence, as I have been able to collect from good authority, and which might perhaps be of some use.

The fort in question is situated at Bonavista, on the eastern branch of the Apalachicola river, 15 miles above its mouth, and 120 miles east of Pensacola. The river discharges itself into St. George's Sound; and vessels, drawing not more than 10 feet water, may come in between St George's and St. Vincent's islands: the bar, however, is dangerous, and requires skilful pilots.

The fort was constructed by Nicholls and Woodbine; and the British occasionally resorted thither; but on their final evacuation of this country, left it in the possession of a garrison, composed of negroes and Indians, with four pieces of heavy ordnance, and 10,000 pounds of powder, &c. About twenty Choctaws, a number of Seminoles, and a great number of runaway negroes, are supposed to have been there some time ago; but a great part of these brigands have abandoned the fort, on account of scarcity of provisions, and have gone to Savannah (alias St. Joseph's) river, in East Florida; whither they will, no doubt, all retire, in case of an attack by land, as they have a schooner, and several large boats, to make good their retreat by sea, if not interrupted.

From this spot they can easily annoy our settlements on Flint river, and the whole Georgia frontier, and are in a country where they can procure subsistence with facility.

Pensacola itself, is, I can assure you, entirely defenceless. The

garrison consists of from 80 to 100 effective men, exclusive of a battalion of colored troops, say about 150 men, of whom the inhabitants themselves stand in constant dread. They have about 150 serviceable muskets, about 500 musket cartridges, and not enough gunpowder to fire a salute: one gun was mounting at Barrancas, on the day I left there. To this is to be added, the dissatisfaction of the inhabitants, and even of a number of the officers of government, and the desire of a majority, to see a change effected. I must not forget to present to you, on the part of the governor, the thanks of the inhabitants of Pensacola, for the exemplary and humane conduct of the army under your command at Pensacola; and I verily believe their professions to be sincere.

The governor also, on my mentioning in conversation, that I was persuaded you would willingly assist in destroying the fort, said, if the object was of sufficient importance to require the presence of gen. Jackson, he would be proud to be commanded by you; and that if the captain general of Cuba could not furnish him with the necessary means, he might perhaps apply to you for assistance.

Having nothing further to add, I remain very respectfully,

Your obedient servant,

[Signed] VERO Z. AMELUNG.

Captain 1st Infantry.

A true copy,

James T. Dent,

Judge Advo. Div. of the South.

No. 17.

General Jackson to the Secretary of War.

Head Quarters, D. of the South,
Nashville, June 15th, 1816.

SIR,

I have this moment received the answer of the commanding officer and governor of Pensacola, to mine of the 23d of April, which I hasten to forward for your information, as well as the copy of the

report of captain Amelung, of the 1st infantry, who was the bearer of my letter. I send you the original, retaining a copy in English, forwarded to me by captain Amelung.

The answer bears the marks of candor, and breathes the spirt of friendship; and as those marauders, on our frontier are acknowledged officially, as rebels against the government of Spain, there can be no fear of disturbing the good understanding, that exists between us and Spain, by destroying the negro fort, restoring to the owners, the negroes that may be captured.

The 4th and 7th infantry, will be sufficient to destroy it, a few troops from the 1st infantry, with a small naval force, will prevent their escape and capture those vessels, named by captain Amelung in his report. I shall await your order, on this subject, which shall be promptly obeyed and executed.

I am respectfully,

Your most obedient servant,

ANDREW JACKSON,
Maj. Gen. Com'dg. D. of the So.

The Hon. Wm. H. Crawford,
Secretary of War.

No. 18. *a.*

Gen. Gaines to the Secretary of War.

Camp near fort Jackson,
April 30th, 1816.

SIR,

I have just now received a letter from lieut. colonel Clinch, dated near the mouth of Summochichoba, the 26th instant, enclosing a communication from the little prince, a copy of which I enclose herewith.

This chief is on a tour down the river to visit the Seminole chiefs near the Apalachicola.

The ostensible object of the visit was to adopt measures to take the Negro fort; and as colonel Hawkins had confidence in the prom-

ises of the Indians to effect this object, I sanctioned a requisition for supplying them with three hundred bushels of corn, to serve as rations. That I have little faith in their promises, I will not deny; but it seemed to me proper to encourage them in the prosecution of a measure which I felt persuaded would, if successful, be attended with great benefit to our southern frontier inhabitants, as well as the Indians themselves.

I have the honor to be,

Very respectfully,

Your most obedient servant,

[Signed] EDMUND P. GAINES.

The Hon. William H. Crawford,
Secretary of War.

No. 18. *b.*

Talk from the Little Prince, Tustunnuggee Hopoy, to the commander of the United States' forces in the Indian nation.

SIR,

Jackson and Hawkins spoke to us, and told we were their children. At the Tuskeegee meeting, you told us you would have the land as far down as the Summochichoba; but we chiefs did not agree to it, you did not tell us then you would build forts along the river bank down to the fork, but we heard since you issued orders to that effect. We do not think it friendly for one friend to take any thing from another forcibly. The commander and Hawkins did not tell us any thing about building of these forts. Did you know these things, and keep them hid from me? We told our friend Hawkins we would hold a meeting at this place on our way down. We were at the fort at Summochichoba, built by the commanding officer—that he had orders to build three forts. Our friend Hawkins told us to go down to the fort of the blacks, and take them out of it, and give them to their masters, which we are at, at this present, when we have heard of Jackson's orders about building these forts—we hear of your meeting at Tuskeegee. We hope you will detain the forces at the places they are at, at present, and wait on the Indians, as I am sure they

will be able to settle every thing; but all the chiefs are not yet met, you know that we are slow in our movements. I spoke to the commanding officer at Summochichoba. He will read this, and write it off on a clean sheet, and send it on to the commander in chief and colonel Hawkins I beg you will send me back an answer, and a sheet of paper, and a little ink, in order to enable me to write you again, if it should be necessary.

I remain your friend,

(Signed) TUSKANUGGEE HOPOY.

A true copy—Rob. R. Ruffin,
Lieutenant artillery, aid-de-camp.

Wrote as spoken by Wm. Hambly, 26th April, 1816.
(Signed) W. S. Pendleton.

No. 19.

General Gaines to Col. Clinch.

Head Quarters, Fort Montgomery, M. T.
23d May, 1816.

SIR,

Your letters up to the 9th instant, have been received. The British agent Hambly, and the little prince, and others, are acting a part, which I have been at a loss for sometime past to understand. Are they not endeavouring to amuse and divert us from our main object? Their tricks, if they be so, have assumed a serious aspect, and may lead to *their* destruction; but *we* have little to apprehend from them. They must be watched with an eye of vigilance. The post near the junction of the rivers, to which I called your attention, in the last month, must be established speedily, even if we have to fight our way to it through the ranks of the whole nation.

The surveyors have commenced laying off the land to be sold and settled; and they must be protected. The force of the whole nation cannot arrest your movement down the river on board the boats,

if secured up the sides with two inch plank, and covered over with clapboards; nor could all the nation prevent your landing and constructing a stockade work, sufficient to secure you, unless they should previously know the spot at which you intended to land, and had actually assembled at that place previous to, or within four hours of your landing; but your force is not sufficient to warrant your march to the different villages, as suggested, by land. The whole of your force, (except about forty men, or one company, for the defence of fort Gaines,) should be kept near your boats and supplies, until the new post shall be established. You may then strike at any hostile party near you, with all your disposable force; but, even then, you should not go more than one or two days march from your fort.

If your supplies of provision and ammunition have reached you, let your detachment move as directed in my letter of the 28th of last month. You can venture to move with twenty five days rations, but you should order a supply to the agency, or fort Gaines, where a boat should be built, and held in readiness to send down, in case any accident should prevent, or delay the arrival of a supply which I have ordered from New Orleans.

I enclose you an extract of a letter containing an arrangement for the supply, by water, and have to direct that you * will provide a boat, and despatch it with an officer and fifty men to meet the vessels from New Orleans, as soon as you are advised of their being on the river. One of your large boats will answer the purpose, provided you have no barge or keel boat. Should the boats meet with opposition, at what is called the Negro Fort, arrangements will immediately be made for its destruction, and for that purpose you will be supplied with two eighteen pounders and one howitzer, with fixt ammunition, and implements complete to be sent in a vessel to accompany the provision. I have likewise ordered fifty thousand musket cartridges, some rifles, swords, &c. Should you be compelled to go against the Negro Fort, you will land at a convenient point above it, and force a communication with the commanding officer of the vessels below, and arrange with him your plan of attack. Upon this subject, you shall hear from me again, as soon as I am notified of the time at which the vessels will sail from New Orleans.

With great respect and esteem,

Your obedient servant,

(Signed) EDMUND P. GAINES.
Major gen. comm'g.

Lieut. col. D. L. Clinch,
or officer commanding on the Chattahooche.

A true copy.—ROB. R RUFFIN, *Aid-de-camp.*

* Note.—Thirty thousand rations have been ordered from New Orleans up the Apalachicola, and commodore Patterson requested to send a convoy of one or two gun vessels.

No. 20.

General Gaines to Commodore Patterson.

Fort Montgomery, May 22d 1816.

SIR,

By a letter I have received from lieutenant colonel Clinch, commanding a battalion of the 4th regiment infantry, on the Chatahoochie, I learn that in the early part of the present month, a party of Indians surprized and took from the immediate vicinity of his camp, two privates sent out to guard a drove of beef cattle, purchased for the subsistence of the troops. The cattle, amounting to thirty head, were also taken; the Indians were pursued forty five miles, on a path leading to St. Marks, but being mounted and having travelled all night, escaped with their prisoners and booty.

This outrage, preceded by the murder of two of our citizens, Johnson and M'Gaskey, by Indians below the lines, and followed by certain indications of general hostility, such as the *war dance*, and drinking *war physic*, leaves no doubt that we shall be compelled to destroy the hostile towns.

The detached situation of the post, which I have ordered lieutenant colonel Clinch to establish near the Apalachicola, will expose us to great inconvenience and hazard, in obtaining supplies by land, particularly in the event of war, as the road will be bad, and the distance from the settlement of Georgia near one hundred and fifty miles.

Having advising with the commander in chief of the division upon this subject, I have determined upon an experiment by water, and for this purpose have to request your co-operation; should you feel authorized to detach a small gun vessel or two, as a convoy to the boats charged with our supplies up the Apalachicola, I am persuaded that in doing so, you will contribute much to the benefit of the service, and accommodation of my immediate command in this quarter: the transports will be under the direction of the officer of the gun vessel, and the whole should be provided against an attack by small arms from shore. To guard against accidents, I will direct lieutenant colonel Clinch, to have in readiness, a boat sufficient to carry fifty men, to meet the vessels on the river and assist them up.

Should you find it to be convenient to send a convoy, I will thank you to inform me of the date of its departure, and the time which in your judgment, it will take to arrive at the mouth of the river (Apalachicola.)

Enclosed you will receive the best account I can give you, from the information I have received of the Negro Fort upon the Apala-

chicola. Should we meet with opposition from that fort, it shall be destroyed; and for this purpose the commanding officer above, will be ordered to prepare all his disposable force, to meet the boats at, or just below the fort, and he will confer with the commanding officer of the gun vessels, upon the plan of attack.

I am, with great consideration and esteem,

Your obedient servant,

[Signed] EDMUND P. GAINES,

Maj. Gen. by brevet.

Com. Daniel T. Patterson, U S. Navy,
Commanding New Orleans station.

No. 21.

Com. Patterson to lieut. comt. Crawley.

New Orleans, 19th June, 1816.

SIR,

The enclosed copy of a letter from major general Gaines, commanding the United States military forces, in the Creek nation, fully informs you of his situation and his expectation of immediate commencement of hostilities on the part of those Indians.

In consequence of the information contained in that letter, I have promised the convoy therein requested; you will therefore take under your command, gun boat No. 149, and with that letter for guide, convoy the transports, with ordnance, provisions, &c, up the Apalachicola and Chattahoochie, to such point or points as may be required, if practicable; should you meet with opposition from the Negro fort, situated as stated in the letter on the former river, the military commanding officer will have orders to destroy it, in which you will co operate; the plan of attack to be concerted between yourself and him; the transports will be under your direction entirely.

In the event of hostilities between the Indians and the United States, you will if practicable afford any aid with your vessels in your power to the army. Remain in that river and co-operate with them until it shall be necessary to return here for provisions; but if you cannot aid them in their operations, you will then return immediately, bringing with you the transports.

The transports, will rendezvous at the Pass Christian, and consist of the following vessels.

Schooner Semilante, laden with ordnance.

General Pike, provisions.

By late information the Negro fort mounts only six pieces of cannon, with about one hundred men in and about it, planting corn, and I apprehend no opposition from them whatever; in the event of your remaining to act with the army, your will communicate with me by mail, through general Gaines. Should the boat mentioned in general Gaines' letter not meet you prior to your arrival, at or near the Negro fort, and you have cause to expect opposition, you will wait her arrival before you attempt to pass it.

Very respectfully

Your obedient servant,

[Signed] DANIEL T. PATTERSON.

Lieut. Comt. Cha. E. Crawley,
U. S. Cutter Fox.

No. 22.

Commodore Patterson to J. Loomis.

New Orleans, June 19th, 1815.

SIR,

The enclosed despatch for lieutenant commandant Crawley is transmitted under cover to you, lest he might not arrive at the Pass Christian, by the time the transports laden with ordnance, provision, &c, mentioned to you verbally when here, shall arrive and be ready to proceed to their place of destination, in which case you will consider thom as addressed to you and act accordingly; in that event you will take under your command gun boat No. 154, together with the transports, and proceed in execution of these instructions.

In the performance of the duties therein pointed out, it will be necessary to act with vigor and judgment; and you will refrain from any act of hostilities against the Spanish force, or violation of their rights and laws. You will make no delay in your departure from the Pass Christian, after the arrival there of No. 154 and the transports.

Very respectfully,

Your obedient servant,

(Signed) DANIEL T. PATTERSON.

Sailing master Jairus Loomis,

Commanding U. S. gunboat, No. 149.

No. 23.

J. Loomis to Commodore Patterson.

Bay St. Louis, 13th August, 1816.
United States' Gun Vessel, No. 149.

SIR,

In conformity with your orders of the 24th June, I have the honor to report, that with this vessel and No. 154, sailing master James Bassett, I took under convoy the schooners General Pike and Semelante, laden with provisions and military stores, and proceeded for Appalachicola river; off the mouth of which we arrived on the 10th July. At this place I received despatches from lieutenant colonel Clinch, commanding the 4th regiment United States infantry, on the Chatahoochie river, borne by an Indian, requesting me to remain off the mouth of the river, until he could arrive with a party of men to assist in getting up the transports; desiring me also, to detain all vessels and boats that might attempt to descend the river.

On the 15th, I discovered a boat pulling out of the river, and being anxious to ascertain whether we should be permitted peaceably to pass the fort above us, I despatched a boat with an officer to gain the necessary information; on nearing her, she fired a volley of musketry into my boat, and immediately pulled in for the river; I imme-

diately opened a fire on them from the gun vessels, but with no effect.

On the 17th, at 5 A. M. I manned and armed a boat with a swivel and musketry and four men, and gave her in charge of midshipman Luffborough, for the purpose of procuring fresh water, having run short of that article. At 11 A. M. sailing master Bassett, who had been on a similar expedition, came along side with the body of John Burgess, O. S. who had been sent in the boat with midshipman Luffborough; his body was found near the mouth of the river, shot through the heart. At 4 P. M. discovered a man at the mouth of the river on a sand bar, sent a boat and brought him on board: he proved to be John Lopaz, O. S. the only survivor of the boat's crew sent with midshipman Luffborough. He reports, that on entering the river, they discovered a negro on the beach near a plantation; that Mr. Luffborough ordered the boat to be pulled directly for him; that on touching the shore he spoke to the negro, and directly received a volley of musketry from two divisions of negroes and Indians, who lay concealed in the bushes on the margin of the river; Mr. Luffborough, Robert Maitland, and John Burgess, were killed on the spot; Lopaz made his escape by swimming, and states that he saw the other seaman, Edward Daniels, made prisoner. Lopaz supposed there must have been forty negroes and Indians concerned in the capture of the boat.

On the 20th July, I received by a canoe with five Indians, despatches from colonel Clinch, advising that he had arrived with a party of troops and Indians at a position about a mile above the negro fort, requesting that I would ascend the river and join him with the gun vessels. He further informed me, that he had taken a negro bearing the scalp of one of my unfortunate crew, to one of the unfriendly Indian chiefs. On the 22d, there was a heavy cannonading in the direction of the fort. On the 23d, I received a verbal message from colonel Clinch, by a white man and two Indians, who stated that colonel Clinch wished me to ascend the river to a certain bluff, and await there until I saw him. Considering that by so doing, in a narrow and crooked river, from both sides of which my decks could be commanded, and exposed to the fire of musketry, without enabling me to act in my own defence; and also, that something like treachery might be on foot, from the nature of the message; I declined acting, retained the white man and one of the Indians as hostages, and despatched the other, with my reason for so doing, to colonel Clinch, that his views and communications to me in *future* must be made in writing, and by an officer of the army.

Lieut Wilson and thirteen men joined me on the 24th to assist in getting up with the transports, he likewise informed me that colonel Clinch had sent the canoe the day before.

On the 25th I arrived with the convoy at duelling bluff, about four miles below the fort, where I was met by colonel Clinch; he informed me that in attempting to pass within gunshot of the fortifications, he

had been fired upon by the negroes, and that he had also been fired upon for the last four or five days, whenever any of his troops appeared in view; we immediately reconnoitred the fort, and determined on a scite to erect a small battery of two eighteen pounders to assist the gun vessels to force the navigation of the river, as it was evident from their hostility we should be obliged to do.

On the 26th the colonel began to clear away the bushwood for the erection of the battery; he however stated to me that he was not acquainted with artillery, but that he thought the distance was too great to do execution. On this subject we unfortunately differed totally in opinion, as we were within point blank range; he however ordered his men to desist from further operations; I then told him that the gun vessels would attempt the passage of the fort in the morning, *without his aid.* At 4, A. M on the morning of the 27th, we began warping the gun vessels to a proper position; at 5, getting within gun shot. the fort opened upon us, which we returned, and after ascertaining our real distance with cold shot, we commenced with hot, (having cleared away our coppers for that purpose.) the *first* one of which entering their magazine, blew up and completely destroyed the fort. The negroes fought under the English Jack, accompanied with the red or bloody flag.

This was a regularly constructed fortification, built under the immediate eye and direction of colonel Nicholls of the British army; there were mounted on the walls, and in a complete state of equipment for service, four long 24 pounders, cannon; four long 6 ditto; one four pounder field piece, and a 5½ inch brass howitz. with three hundred negroes. men, women, and children, and about 20 Indian warriors of the renegado Choctaws; of these 270 were killed. and the greater part of the rest mortally wounded, but three escaped unhurt; among the prisoners were the two chiefs of the negroes and Indians On examining the prisoners they stated that Edward Daniels, O. S. who was made prisoner in the boat on the 17th July, was tarred and burnt alive. In consequence of this savage act, both the chiefs were executed on the spot by the friendly Indians.

From the best information we could ascertain there were,

2 500 stand of musketry, with accoutrements complete.
500 carbins.
500 steel scabbard swords.
4 cases containing 200 pair pistols.
300 qr. casks rifle powder.
762 barrels of cannon powder, besides a large quantity of military stores and clothing, that I was not able to collect any account of, owing to an engagement made by colonel Clinch with the Indians, in which he promised them *all the property* captured, except the cannon and shot.

The property captured on the 27th July, according to the best information we could obtain, and at the lowest calculation, could not have been less than $ 200,000 in value, the remnant of the property,

that the Indians did not take, was transported to fort Crawford, and to this place, an inventory of which I have the honor to transmit for your further information.

On sounding the river, I found it impassable for vessels drawing more than four and a half feet water, consequently, colonel Clinch took the provision from the General Pike into flats, and lightened the Semelante, so as to enable her to ascend the river as high as fort Crawford. On the 3d August, after setting fire to the remaining parts of the fort and village, I left the river and arrived at this anchorage on the 12th current.

I cannot close this letter without expressing to you, my entire approbation of the conduct of sailing master James Bassett, commanding gun vessel No. 154, for his cool, deliberate, and masterly conduct, and the support I received from him in all cases of difficulty and danger. In fact, Sir, every man and officer did his duty.

Very respectfully,

Your obedient servant,

[Signed] J. LOOMIS.

Commodore Daniel T. Patterson,
Commanding U. S. Naval Forces,
New Orleans station.

No. 24.

Commodore Patterson to the Secretary of the Navy.

New Orleans, August 15th, 1816.

SIR,

It is with great satisfaction I do myself the honor to transmit herewith, a copy of the report of operations of two gun vessels, under the command of sailing master Jairus Loomis, despatched at the request of major general Gaines, commanding the U. S. army in the Creek nation, to convoy two transports, laden with ordnance, stores, and provision, up the rivers Apalachicola and Chatahoochie, to fort

Crawford, for the use of the army; as also, copies of the major general's letter to me, and of my instructions to Mr. Loomis.

You will perceive by Mr. Loomis's statement, that the unprovoked and wanton aggression committed by a party of negroes on his boats, as also their hostile disposition and conduct to the army and the gun vessels, and their approaching the fort, evinced in the strongest manner their intention to dispute his passage past their fort, rendered it necessary to silence their fire and capture the fort. The very able manner and short time in which this was so effectually accomplished, with a force so very inferior, reflects the greatest credit upon Mr. Loomis, and the officers and men under his command; the 9th shot and *first hot* one, producing the explosion, and unless the fort had surrendered or been destroyed, it would have been impossible for the army to have received those supplies, of which they stood in so much need, and without which their operations against the hostile indians, must necessarily have been materially retarded, if not totally suspended, and it was from the very great importance, as detailed by general Gaines, that those stores and provisions should reach the army in safety, that I felt it a duty incumbent upon me, when thus called upon, to afford the requisite convoy for their protection.

The service rendered by the destruction of this fort and the band of negroes who held it and the country in its vicinity, is of great and manifest importance to the United States, and particularly those states bordering on the Creek nation, as it had become the general rendezvous for runaway slaves and disaffected Indians, an asylum where they were assured of being received; a strong hold where they found arms and ammuniton to protect themselves against their owners and the government; this hold being destroyed, they have no longer a place to fly to, and will not be so liable to abscond. The able manner in which this enterprize was conducted, cannot but impress the hostile Indians also with a dread of our arms, and increase the confidence of those who are friendly; add to which, that the force of the negroes was daily increasing, and they felt themselves so strong and secure, that they had commenced several plantations on the fertile banks of the Apalachicola, which would have yielded them every article of sustenance, and which would consequently, in a short time, have rendered their establishment quite formidable and highly injurious to the neighboring states.

The English union jack, and red, or bloody flags, under which they committed their unprovoked hostilities against the American flag, are in my possession, and I shall have the satisfaction of forwarding them to the Department, by the first safe conveyance. It appears very extraordinary, and remains with the English government to explain the authority for the flag being thus hoisted by a band of outlaws, as also their officer, colonel Nicholls, having placed so strong a work, and with so large a supply of arms (most of which were perfectly new and in their cases) ammunition, and every other implement requisite to enable the negroes and Indians to prosecute offen-

sive operations against the United States; in possession of negroes too, known to be runaways from the United States, and that too, sometime after peace had taken place.

Herewith is transmitted a copy of the inventory of the articles saved from the explosion, designating those furnished the army for public use and those brought off and deposited here.

I regret extremely the loss of Mr. Luffborough, killed in the service, who though much indisposed, and having sent in his resignation to the Department, very handsomely volunteered his services and accompanied the expedition; Mr. Loomis reports his conduct in the highest terms of approbation.

I avail myself of this occasion with great satisfaction to recommend to the particular notice of the Department, sailing masters Jarius Loomis and James Bassett, commanding the gun boats on this expedition, as highly meritorious officers.

I cannot but lament exceedingly the great loss of lives occasioned by the destruction of the fort, though caused by their opposition to a passage of the river and hostilities most wickedly commenced upon a friendly flag, under which not the slightest aggression would have been offered them.

The course pursued in this service, and the result will, I trust, meet the approbation of the President of the United States.

I have the honor to be,

With great respect,

Your obedient servant,

DANIEL T. PATTERSON.

The Hon. Benjamin W. Crowninshield,
Secretary of the Navy, Washington.

No. 25.

Governor Kindelan to G. Cockburn.

Most Excellent Sir,

The support and protection which the subaltern officers of the troops under your command, now on Cumberland Island, afford to the runaways slaves of this province, under my charge, inviting them

to desert their masters, and enlist as soldiers, with the tempting promise of the liberty, which they will enjoy, when once they are transported to H. B. majesty's colonies, has filled with consternation the peaceable inhabitants, subjects of H. C. M., to which may be added, the aggravation offered them, by the manner in which the restoration has been eluded, as to answer the claim which their masters make personally, by saying, that they might take those that would accompany them voluntarily, is the same thing as to refuse their restoration; for where is the slave that will voluntarily return to slavery, if left to his election? For my part, even if there did not exist that good understanding, concord, and friendship betwixt our respective nations, I should feel very averse to suppose that the British government, generous England, would tolerate in its subjects, the spoliation of this property, belonging to the pacific, industrious and defenceless planter, not only of a friendly power, but (excepting in certain cases) I conceive, they would not permit it towards an enemy; I pronounce it as undeniable, that this laudable maxim has ever been so religiously observed by civilized and enlightened people, that until now it has always been considered as an inviolable principle of the laws of nations.

This abuse or disorder, most excellent sir, from its important nature, demands from your excellency, the most prompt and efficacious remedy in your power, in order to do away those appearances of hostility, which such unusual proceedings manifest; as well as to avoid the consequences which must result from them, and which, for my part, I shall endeavor to obviate by every means in my power, requesting Y. E. again to order the restoration, without restriction, of the aforesaid Spanish property, which I now demand of you, officially, for the second time.

Permit me to offer to Y. E. personally, my sentiments of high consideration, whose life I pray God to preserve many years.

(Signed) SOB. KINDELAN.

St. Augustine, E. F.
18th February 1815.

His Excellency George Cockburn, &c. &c. &c.

No. 28.

General Jackson to Governor Mazot.

Head Quarters, Division of the South,
Fort Gadsden, March 25, 1818.

SIR,

I have ordered a supply of provisions to be sent from New Orleans, via Pensacola, to Fort Crawford on the Conaco. This route

has been adopted as the most speedy one of provisioning one of my garrisons, which must be maintained during the present contest against our mutual enemies the Seminole Indians. And I cannot but express a hope, that no attempt will be made to interrupt the free passage of my transports to that post. I am not disposed to enter into any controversy with you on the right which our government may claim to the free navigation of such water courses as head within her limits, but flow through the territory of his catholic majesty; preferring to leave these subjects to be settled by those legally authorized. But as it is necessary for me to make use of the Escambia river, in passing up provisions to the garrison at Fort Crawford, I wish to be distinctly understood, that any attempt to interrupt the passage of my transports, cannot be received in any other light than as a hostile act on your part. I will not permit myself for a moment to believe, that you would commit an act so contrary to the interests of the king your master. His catholic majesty, as well as the United States, are alike interested in chastising a savage foe, who have too long warred with impunity against his subjects, as well as the citizens of this republic; and I feel persuaded, that every aid which you can give to promote this object, will be cheerfully tendered.

I am, with sentiments of respect,

Your obedient servant,

(Signed) ANDREW JACKSON.

Major General Commanding.

Jose Mazot, Governor of Pensacola.

No. 29.

Gov. Mazot to Gen. Jackson.

(Translation.)

Most Excellent Sir,

Your excellency's letter of the 25th of last month has been delivered to me, also that of the 16th, in answer to mine of the 16th of February preceding. I now have the honor to acknowledge the receipt of both, and to reply to the former.

In the month of May last, yielding to a spirit of conciliation, I gave permission to the schooner Victory from New Orleans, to pass up the Escambia to the American fort with a cargo of provisions: prompted by the same sentiment, I gave a similar permission in January last, to captain Call of the schooner Italiana, to proceed to the same place; and subsequently, pursuing the same friendly and conciliatory feelings, I allowed lieut. Eddy, belonging to the garrison of the fort above alluded to, who had been commissioned for that purpose by major Youngs the commandant, to supply himself here with sixty barrels of provisions. The cargo of the schooner Italiana being still deposited here, I conceive that the introduction of the further supply requested by your excellency, is not necessary at present. Notwithstanding this, as I infer from your excellency's letter that the said provisions are now on the way, and am disposed to grant the same indulgence as heretofore, while it is not less my duty to enforce the established regulations and restrictions, which require that the supplies should be consigned to a Spanish trading house, which will undertake to forward them and secure the payment of the royal import and export duties. I will give permission for them to pass in like manner as the first, it being however well understood, that neither now nor hereafter, the United States can pretend to or acquire any right in consequence of these indulgences, which are perfectly gratuitous, and granted solely in consequence of existing circumstances, which, as your excellency states to me, prevent the arrival of supplies to the said fort Crawford through any other channel; in addition you are pleased to remark, that, you are not disposed to enter into any discussion with me on the subject of the right which may be claimed by the United States to the free navigation of the Escambia.

To a discussion of this nature I am no less averse than your excellency; because it is one not within my province, and because it is my duty, as a subordinate officer to conform to the orders of my superior; therefore, until I receive orders to the contrary, I am bound, in reference to this point, strictly to adhere to the existing treaties between the United States and Spain. On referring to the last treaty of amity, limits and navigation, I perceive nothing that stipulates the free navigation of the river alluded to; but on the contrary, that the sovereignty of the king my master in and over all the territories, coasts, rivers, posts and bays, situate to the south of the thirty-first degree of north latitude, is solemnly and explicitly acknowledged by the United States. And if, in consideration of the present extraordinary circumstances, farther momentary concessions are required, I request your excellency to have the goodness to apply for that purpose in future to the authority on whom they may depend, as I am wholly unauthorized in this matter.

God preserve you many years!

[Signed] JOSE MASOT.

Pensacola, 15th April, 1818

To his Excellency Andrew Jackson.

True copies of the documents deposited in this command. Pensacola, 2d May, 1818, in the absence of the Secretary (by indisposition)

[Signed] BUENAVENTURA DUBREUIL.

No. 30.

General Jackson to Governor Mazot.

Head Quarters, Division of the South,
St. Marks, April 27th, 1818.

SIR,

After I left this post for St Juan, to disperse and destroy the mutual enemy of Spain, and the United States, a small schooner with men and supplies arrived from Pensacola, and was taken possession of, and detained by my officer left in command. This vessel has been liberated, with all her effects, excepting some cloathing of the United States, (unaccompanied with any invoice,) and which has been detained as supposed to be a part of that taken in the boat, within the territory of this republic, in which lieutenant Scott, of the United States army, with his command, were so inhumanly massacred.

I regret being compelled to state to you, that from the papers and other proofs taken at St. Juan, the quantity of American cattle found at St. Marks, and purchased by me from the commissary of the post, and the intercourse kept up between this post and the hostile Indians, there is too much ground to believe, that the Indians have been encouraged, aided, and abetted by the officers of Spain in this cruel war against the United States. Proof positive exists that the Indians were supplied with ammunition by the late commandant of St. Marks. The United States cloathing being found on board of a vessel, in the employ of the government of Spain, sailing from Pensacola, direct for this post, compels me to call on you for a statement in what manner you came possessed of said cloathing.

The good understanding that so happily exists between his catholic majesty and the United States, formed a just ground to believe, that his agents would have discountenanced this cruel and savage war, waged against the citizens of this republic; too weak to comply

with her treaties with the United States, or chastise her own savage subjects waging war against a friendly nation. It was scarcely to be believed that her officers would have been detected in aiding and abetting this enemy, assisting her with intelligence of our movements, and purchasing of him the property depredated of us. America, just to her treaties, and anxious to maintain peace with the world, cannot, and will not permit such a savage war to be carried on in disguise any longer.

Asylums have been granted to the persons and property of our Indian foe, (fugitives from the territory of the United States.) Facilities deemed by me necessary to terminate a war, which, under existing treaties, should have been maintained by Spain, for feeding my troops, and liberating the subjects of Spain, imprisoned by the Indians, have all been denied by the officers of his catholic majesty. All these facts prove the unjust conduct of Spanish agents in the Floridas. It cannot be longer tolerated; and although a republic fond of peace, the United States know her rights, and at the expense of war will maintain them.

(Signed) ANDREW JACKSON.
Maj. Gen. Commanding.

Don Jose Mazot, Gov. of Pensacola.

No. 31.

Governor Mazot to Major Youngs.

(Translation.)

The commandant of West Florida to Major Youngs, encamped on the banks of the Escambia.

SIR,

Your letters of the 27th instant, dated, camp on the Escambia and Fort Crawford, enclosing a proclamation, were this day delivered to me at 3 o'clock P. M. by an artificer, a man of color, whose immediate return does not allow me at present to reply particularly to them, and I shall only state that the few peaceful Indians who

were at this place and in its neighborhood, left it on the 26th, and at day break several of them were murdered by the troops of the United States, and among them some women and children: as I am unable to account for this act and the violation resulting from it, I have to inform you that I shall transmit an account of the whole transaction to my superior, and I hope that in the meantime, you will not permit any further hostilities to be committed on any pretence in this territory, and in case the Indians give any reason for complaint that you will inform me of it, that I may chastise them for it as far as it depends on my authority.

If there be Indians still remaining in this territory, I will have them sought for and communicate your letter to them, and advise you of the result. I do assure you on my word that your statement of the aggressions committed by the Indians, is the first intelligence I have had of it, and that when I agreed to the passage of the escort of which you speak, those Indians of whom lieutenant Eddy was apprehensive were the only ones pointed out to me.

I must repeat to you that all my wishes and efforts are directed to preserving the peace happily subsisting between our governments, and relying on your friendly sentiments towards me, I offer you in return the assurances of mine.

God preserve you many years.

JOSE MAZOT.

Pensacola, 27th April, 1818.

To Major White Youngs,
commanding the U. S. troops on the Escambia.

The same to the same.

SIR,

In consequence of the request contained in your letter of the 27th instant, I assembled the principal chiefs of the Upper Creek towns of Colome, Canaan, Corvale and Forsatche, and communicated its contents to them: they all replied that they had long been very unhappy and miserable, without shelter or country; but that at last, by the advice of a good friend, they had found one, that they all

cheerfully adopted it, and were very grateful for the offers you had made them. These Indians amount to about 87, including women and children. I have settled that they should divide into two companies, and they will set out as soon as your answer is received, which they think it prudent to keep, as you will, when informed of their acceptance of your offer, be enabled to give proper orders for their safety on their journey, and their avoiding any unpleasant rencounter with the Choctaws, who, if not duly informed of it, might attack them, in which case the measures taken for the peaceful arrangements that we both have so much at heart, would be defeated.

Opahi-hola, an Alabaman chief, on account of his age and infirmities, will remain here for the present with his family. I have given orders for his relief, and pledge myself for his good behavior.

You will always find me ready to unite with you in such measures as may be beneficial to our respective countries, and are conformable to existing treaties. I renew the assurances of my respect, and pray God to preserve you many years!

[Signed] JOSE MASOT.

Pensacola, 30th April, 1818.

To Major White Youngs.

No. 32. *a.*

(Translation.)

The governor of West Florida to his Excellency Andrew Jackson.

Most Excellent Sir,

On the 10th instant, I received your letter of the 27th of April last, informing me, that on board a small schooner despatched from this port for Apalache, there were found several articles of clothing, such as is used by the United States troops, and which you suppose were taken in the boat in which lieutenant Eddy was unfortunately cut off, together with his escort;—you inquired of me how I came possessed of those articles of clothing; and you proceed to state, that you regret the necessity which compels you to inform me, that from written and other proofs obtained at St. Johns, the quantity of

American cattle found at St. Marks, and the active communication kept up between the latter place and the hostile Indians, there appear sufficient grounds to believe, that they were encouraged and excited to this savage warfare against the United States by the Spanish officers; you add, that there exists positive proofs that the Indians were supplied with ammunition by the late commandant of St. Marks; and you conclude by declaring, that shelter and protection have been given at this place to the persons and property of the Indians who are in hostility with the United States, and have fled from the American territory; that these facts and the refusal to allow the passage of provisions for the supply of your troops, fully evince the unjust conduct of the Spanish agents in the Floridas. To these several charges I shall reply in their order frankly, unreservedly, and unequivocally. The first relates to the articles of cloathing found on board the schooner Maria, and detained on the presumption of their being the property of the United States. A part of these, as is proved by the copy No. 1, was purchased at New Orleans in May last, a part came from Havanna, and part was bought here; all which being fully substantiated, the charge is consequently disproved, and your inquiry satisfactorily answered. The second is more serious, and refers to the conduct of the commandant of St. Marks at a recent period. I immediately demanded of him an account of his proceedings, his report of which is enclosed under the No. 2. But as I am desirous that you would bring forward unquestionable proof of the malconduct of that officer, I have to request you to furnish me with it, in order that, if his misconduct be established, he may receive condign punishment; hereby assuring your excellency, with that sincerity which belongs to me, that, in such event, he has acted entirely contrary to his instructions, and that on receiving the evidence required, he shall be tried by a court martial, and punished in an exemplary manner, according to the merits of the case; your sense of equity will however satisfy you, that the Spanish government cannot be held responsible for the misconduct of its agents, while it does not support them in it, nor tolerate their errors when proved.

Your subsequent complaints are directed personally and pointedly against me, and relate to the shelter and protection alleged to have been afforded to the persons and property of fugitive Indians, and to the passage of provisions up the Escambia. The best mode of giving a satisfactory answer to these charges, will be to offer you a brief and faithful statement of facts. With respect to the Indians you have assuredly not been correctly informed; for although some few remained permanently here, chiefly consisting of women and children employed in supplying the inhabitants with fish, fuel, and other trifling articles, and had been living here long before the present war with the Seminoles, it is a fact, that when I sent around to assemble them for the purpose of communicating to them the proposal of major Youngs, their whole number amounted but to 87, and surely the small proportion of men among them, unarmed, misera-

ble, and defenceless, could not be considered as objects of hostility to the United States, a proof of which was shown in the continual passage of American citizens to this place, travelling unarmed and alone, without a single instance of accident happening either to their persons or property. In regard to the passage of provisions up the Escambia, so far from suspending it, I facilitated it as far as depended on me, even to committing myself; since as a subordinate officer, I could not becomingly allow a proceeding which was not fully authorized; I therefore, in consideration of circumstances, took that responsibility upon myself, as I stated to your excellency in my letter of the 15th ultimo by major Perault, to which I beg your reference. But with a view to the benefit of this place, by means of a free intercourse with the interior. I hereby declare, that in future, the merchants and traders belonging to it, shall pass freely from hence to fort Crawford and other places on the frontier, and transport all necessary supplies, either by land or water, by which means it is to be expected, they will be abundantly provided, and your excellency entirely satisfied.

In offering you these explanations and details, I flatter myself I have given so full and satisfactory an answer to your excellency's letter, as to leave no doubt of the sincerity of my intentions, and at the same time, to have presented a certain pledge, that it is my earnest wish to contribute, by every means in my power, to the maintenance of the good understanding happily subsisting between our two governments. God preserve you many years!

(Signed) **JOSE MASOT.**

Pensacola, May 18, 1818.

To his excellency Andrew Jackson.

A true copy of the original deposited in the office of the secretary of the government of this province, under my charge.

(Signed) **CARLOS REGGIO.**

Pensacola, May 31, 1818.

No. 32. *b.*

[Translation.]

Certificates from New Orleans and Pensacola.

Having observed, among other things, what is stated to you by major general Andrew Jackson, of the United States troops, in his note of the 27th of April last, and communicated to me in yours of

the 13th instant, in which you request me to inform you of what description the articles were, referred to by the said general; also, by whom the coats worn by the men belonging to the grey and brown companies (de Pardos y Morenos) from the Havana, under my command, were sold or brought to this place, they being the same uniform as that worn by the troops of the United States, I have to inform you in reply, that with respect to the articles of clothing shipped on board the schooner Maria, for the supply of a detachment from the aforesaid companies at Apalache. and detained by general Jackson, they consisted of fifteen four point woollen blankets, and were brought here in his majesty's schooner brigantine "el Almirante," arrived in this port 2d January last; twenty-five pair of French shoes, bought here of Don Henrique Grandpré, as per exhibit No. 1. annexed; fifteen common negro hats, bought of Don Henrique Michelet, per exhibit No. 2; and twenty shirts of Crea linen, and the same number of pantaloons, received by the above named armed vessel, with the exception of three or four of the latter articles, which were made in North America for the use of their troops, and came into my possession in the manner I shall presently explain to you. All which clothing I requested you, in mine of the 7th April, to be pleased to direct the proper department to have inserted in the clearance, as being for its account and risk. By the voucher annexed, No. 3, you will perceive, that on the 1st and 4th of May last, and 29th of July, there were shipped to me by Don Pedro Dalharte y Clareria, merchant of New Orleans, the hundred and thirty-one coats of the uniform reformed there, according to his letter of advice; also, twenty eight pair of shoes, twenty Russia sheeting waistcoats, two hundred and fifty three leathern caps for the use of the chasseurs, and a quantity of half boots and leather stocks; all which articles were purchased from the military storekeeper at New Orleans, and brought here in the schooners Maria and Jalousie, under the charge of their skippers, Bartelome Alberty, and Jose Medina, who included them in the manifests they exhibited on arrivals, and the duties on them were secured, as appears by their appraisement by the proper officers on the 19th May and 11th August last. Hence, it is evident that the conjecture formed by general Jackson, that the articles of clothing detained by him, were part of those captured from the escort of lieutenant Scott, at the time he was cut off within the limits of the territory of the republic, is entirely disproved; inasmuch as the unfortunate accident of that officer and his escort happened on the Apalachichola in December last, and the articles of clothing alluded to were purchased in New Orleans, in May and July preceding, as is fully proved by the letters of advice and invoices comprised in exhibit No. 3, to which I have referred above. God preserve you many years!

Pensacola, May 18th, 1818.

[Signed] BENIGNO GARCIA CALDERON.

To Jose Masot.

No. 1. I hereby certify, that on the 10th of February last, I sold to captain Don Benigno Garcia Calderon, commanding the grey and brown companies from Havana, two hundred and eighteen pair of French shoes, iron shod, for the use of the men belonging to the said companies; and at the request of the said officer, I have delivered him the present certificate, dated at Pensacola, this 18th day of May, 1818.

[Signed] HENRIQUE DE GRANDPRE.

No. 2. I hereby certify, that on the 12th of February last, I sold to captain Don Benigno Garcia Calderon, commanding the grey and brown companies from the Havana, nine dozen round negro hats, for the use of the men belonging to the said companies; and at the request of the said officer, I have delivered him the present certificate, dated at Pensacola, this 18th day of May, 1818.

[Signed] HENRIQUE MICHELET.

No. 3. *New Orleans, 30th April,* 1817.

To Don Benigno Garcia Calderon, Pensacola.

Enclosed you have an account of the cost and charges of fifty-four shirts and twenty-eight pair of shoes, for amount whereof you are debited in account fifty-three dollars. Although I had no orders from you for the shirts, I was induced to purchase them by the low prices and the probability of your employing them to advantage. In the sack they are put up in, you will find a uniform coat which has been reformed here and can be set by the store-keeper at twelve rials. I think it would answer. There are a hundred and twenty of them. I am offered by the same store-keeper fifty field tents, nearly new, at three dollars, and a parcel of strong leathern caps, such as worn by the chasseurs, that can be set at less than two rials, of which there are about two hundred. The store keeper having made me a second offer of the shirts, I proposed to take them in barter for coffee, at ten or eight and a half; even at ten, I am persuaded it would be a good bargain, as it would give the opportunity of putting off the coffee, its inferior quality making it rather dull sale. The quality most called for is the green, which is much superior, and that hardly commands twenty dollars. The cost and charges of the said shipment of shirts, by schooner Maria, are carried to your debit in account current, viz.
$ 176 13.

Account of costs and charges of sundries shipped on board the schooner Maria, captain Elberty, for account and risk of, and to be delivered to Don Benigno Garcia de Calderon, Pensacola, viz:

C No. 1	1 Sack containing 28 pair Shoes, at	6rs	$21	00
2	1 Sack containing 54 Shirts, at	4rs	27	00
	1 Coat		1	50
	Sack, twine, & packing,		1	00
			$50	50
	Commission, 5 per cent.		2	50
	Amount to the debit of Don B. Garcia Calderon,		$53	00

(Signed) PEDRO DALHARTE Y CLARERIA.

New Orleans, May 1, 1817.

Account of costs and charges of ten sacks, containing one hundred and thirty one coats, shipped on board the schooner Maria, captain Granperta, for the risk of Don Beningo Garcia Calderon, at Pensacola, and to be delivered to him there, viz:

C No. 3 a 12	10 Sacks containing 131 Coats, at	10rs	$163	75
	Sacks, twine & packing,		4	00
			$167	75
	Commission, 5 per cent.		8	38
	Amount to the debit of Don Benigno Garcia Calderon,		$176	13

(Signed) PEDRO DALHARTE Y CLARERIA.

New Orleans, May 29, 1817.

New Orleans, July 29, 1817.

To Don Benigno Garcia de Calderon, Pensacola.

At the receipt of yours, the caps were already agreed for, with some other articles of clothing, amounting as per invoice annexed to, $317 16 1-4 to your debit in account. I suspended the purchase of the hats, which run from 8 to 10 dollars per dozen.

Account of costs and charges of sundries, shipped in two hogsheads, three barrels, two cases, and one sack, on board the schooner

Jalouse, Jose Medina master, for account and risk of Don Benigno Garcia Calderon, at Pensacola, and to be delivered to him there, viz.

25	Cotonade Pantaloons - -	at 50rs -	$ 12	50
236	Flannel under Waistcoats - -	370 -	88	50
253	Caps - - - - - -	18¾ - -	47	43¾
	A parcel of leathern gaiters & spatterdashes	-	15	00
20	Russia sheeting short Vest			
51	Pantaloons	106 ps. a $ 1 -	106	00
35	Cotton Shirts			
29	Ditto - - - - -	75 -	21	37½
	Cord, cooperage, &c. - - - - -		3	50
			$ 302	06¼
	Commission at 5 per cent. - - - -		15	10
	Amount to the debit of Don Benigno Garcia Calderon,		$ 317	16¼

(Signed) PEDRO DALHARTE Y CLARERIA.

New Orleans, July 29, 1817

We, the subscribers, merchants of Pensacola, hereby certify, that the foregoing paragraphs of letters of advice and invoices, are true copies of the originals, exhibited to us by captain Don Benigno Garcia Calderon, commanding the Grey and Brown, companies from Havana; and that the signatures thereto subscribed, are in the true hand writing of Don Pedro Dalharte y Clareria, a citizen of the United States, and merchant at New Orleans. In testimony whereof we have given the present certificate, at the request of the aforesaid captain Calderon, at Pensacola, this 18th day of May, 1818.

(Signed) HENRIQUE MICHELET,
VICENTE DE ORDOZGOITTI,
VTE. BASTLONGUE.

No. 32. *c.*

[Translation.]

Defence of F. C. Luengo, Commandant of St. Marks.

In replying to your letter of yesterday's date, in which, among other things connected with its subject, you communicate to me the several points treated of by major general Jackson, in his letter of the

27th ultimo, and on which he founds his assertion, that the Indians not only received succours at Apalache, but that they were excited to commit hostilities against the forces of the United States, and of whose movements they were exactly informed, I have to express my utter astonishment at this business, in which imposture and malevolence have been equally employed, to criminate the parties alluded to in the general's letter. It is stated by the general, that from written and other proofs obtained at St. Johns, the number of American cattle found at St. Marks, and bought by the commissary there, and the constant intercourse kept up between that place and the hostile Indians, there appear sufficient grounds to believe, that they were encouraged and excited to this savage warfare by the Spaniards. To this I have to reply, that it has never come to my knowledge, that any person belonging to the fort had any connexion, directly or indirectly, with St. Johns; and although it is true I wrote two letters to Mr. Arbuthnott, an English merchant, one of them was merely to thank him for the three letters he wrote me, informing me of the proceedings of the insurgents at Amelia Island, and of captain Woodbine, who, I informed you by express, was one of the two chiefs who were hung the day I left Apalache; and the purport of the other was, to request him to come or send immediately for the property which, at the request of the Indian chiefs, and to avoid increasing
I gave permission to be deposited in the fort, and to withdraw O — Kelagne, in whose custody that property was placed: and although, in taking this step, I ran the risk of incurring the resentment of both parties, yet it was one which did not seem likely to incur suspicion. Nor does the charge of a purchase of an extraordinary number of American cattle, alleged to have been made at St. Marks, authorize greater room for suspicion, since it is notorious, that from the time of its establishment, its supplies were obtained from the drovers of cattle brought there for sale by the Indians, who had very large ones towards Mikasuky and the neighboring country. It seldom happened that we considered ourselves as fully supplied for several months together; and if the supplies were in fact derived from the plunder committed on the Americans, the sellers took good care to conceal that fact; as they were known to have droves, and were in the habit of bringing them for sale. It may be remarked, that very little care was manifested by the American commandant or magistrate, within whose district these excesses were committed, to be placed in a situation to complain of them to the commandant of St. Marks, and to send him the marks of the cattle, which would have shown from whence they came, and have tended to prevent the purchase of them. With respect to the intercourse kept up between the fort and the Indians, complained of by general Jackson, and the excitement and encouragement given them by the Spaniards to commit hostilities, the charge is altogether inadmissible. An intercourse and good understanding with the Indians, was at all times strongly recommended by the government, and never were they more necessary than in the cir-

cumstances in which we have lately been placed at the fort; general Jackson having founded on them a demand of its occupation by his troops, and suggesting that such a step could not fail to receive the approbation of his catholic majesty. In the same letter he stated, that he had been informed by an Indian woman, a prisoner, that the hostile Indians and negroes had received considerable supplies of ammunition at the fort. I presumed that I had convinced him of the contrary in my answer, in which I represented to him, that no one better than Mr. William Hambly, who, during his stay here, repeatedly interpreted to me the anxiety of the chiefs to obtain such supplies, could undeceive him on this point, as well as on that of the counsel I uniformly gave them, to avoid the destruction that awaited them, and which I foresaw from the first. But it appears he is not yet satisfied, and persists in his charge. A reference to the returns of the public storekeeper, will show that from the month of May last, and prior to the receipt of your orders, there had been issued to a few of the most noted chiefs, and that merely from motives of policy, only three pounds of powder, three pounds of ball, and fourteen flints. The interpreter, Juan Sandoval, and his son Francisco, through whom I communicated with the Indians, can testify to the truth of this statement; a step which I request of you to have taken, in support of my refutation of general Jackson's charge. He cannot but know, that a short time before the negro fort on the Apalachicola was blown up, all the chiefs of the neighboring tribes went there and supplied themselves with powder and ball, left for them by the English; and that at Mickasuky, and the huts thereabouts, there was a considerable quantity. Having thus obtained a large supply of the kind of powder and ball they most esteemed, they set little value on ours; which, in fact, they view with such indifference, that it is only a chance hunter among those who come to the fort with venison, wild fowl, &c. that is willing to use it; and although, as I formerly stated in an official communication; a supply was repeatedly demanded of me by the chief Kinache, with a view to prove, by the refusal of it, that the American interest prevailed in the fort, he did not succeed in it. In consequence, we, whom they considered as American partizans to the last, were reproached with it, and have even to put up with some impertinences from them. I shall however, in a strict adherence to truth, and because the circumstance may have given birth to these suspicions, proceed to state, that the chief Pelis-acho, who was executed, received, among other thing, at the fort, from Mr. Arbuthnott, an English merchant, when he came from Savannah, to request against the negroes, from whom he apprehended an attack, a small barrel of powder, which might contain from 20 to 25 lbs. and was placed, with other property, under the charge of O-Kelagne. What he did with it, I know not; but I well know, that the chief caused me extreme perplexity and vexation, by surrounding the fort with a body of four or five hundred Indians.

I never had an idea that he employed it against the Americans, but that he used it in the purchase of peltry, which he was collecting for the said Arbourknot, at the time of the arrival of the Americans. The charge alleged against the officers at St. Marks in exciting and stirring up the Indians, and in giving them information of the movements of the Americans, is the effect of a disordered imagination; for how or whence could their movements be better known at the fort than from the Indians themselves? Thither they came and went, and passed and repassed incessantly, and their reports were so various, that they deserved very little attention: as a proof of which, nothing certain was known of their operations, until the different columns of their troops appeared at the mouth of the Pinar, and although three of their boats were at anchor there for three or four days, they kept English colors flying until the day before the arrival of the army. My different communications to you are pledges that I took no part in the contest between the Americans and the Indians. I however had great cause of complaint against the latter. How then is it possible to believe that I gave them that aid of which general Jackson complains, or how can the steps I took to liberate Messrs. Edmund Doyle and William Hambly, by which I exposed myself and my garrison to the vengeance of the Indians, be reconciled with the idea of affording them succor and aid, or the fact of rescuing from them, at the most critical moment, an American soldier, whom they would otherwise have put to death? I leave it to impartial observers to decide, if these be not proofs of the existence at St. Marks of a bias in favor of the American interest; and of this I trust general Jackson will be thoroughly convinced, on deliberately reflecting upon the subject. I shall not attempt to deny, that I have observed towards those barbarians, a policy, which had the appearance of a warm friendship, but by which I have incurred a considerable expense. If, however, my situation be attentively examined in its different points of view, it will be seen that all this was necessary, to restrain them from doing what they had at one time premeditated on the pretext I have just alluded to; and on others suggested to them by some persons who had gone from hence to those parts of the country. Although I have, as I conceive, given entire satisfaction on all the points embraced by major general Jackson, I beg leave to request, that for the purpose of corroborating my statement you will be pleased to give orders for having the declarations taken of the interpreter and of his son, of the subaltern Don Miguel Ordonez; of Don Anastasio Montes de Oca, the public storekeeper, and of surgeon Don Diego de Barrios, as the persons who have the necessary knowledge of the subjects in question.

God preserve you many years!

[Signed] **FRANCISCO CASO Y LUENGO.**

Pensacola, 14th May, 1818.

To Don Jose Masot.

A true copy.

[Signed] **JOSE MASOT.**

No. 33.

Governor Masot to General Jackson.

(Translation.)

Don Jose Masot to the commander of the American troops.

Having received information that you have passed the frontiers with the troops under your command, and are now within the territory of this province of West Florida, which is under my government, I have solemnly to protest against this proceeding, as an offence against my sovereign, and I do exhort you, and require of you, forthwith to withdraw from the same; in default of which, and in case of a continuance of your aggression, I shall repel force by force.

In this event the consequences will doubtless be the effusion of blood, and the interruption of the good understanding which has hitherto subsisted between our two nations; but as the party repelling an insult is never deemed the aggressor, you will be responsible before God and men for all the fatal consequences which may ensue.

God preserve you many years!

[Signed] JOSE MASOT.

Pensacola, 23d May, 1818.

No. 34.

General Jackson to Governor Masot.

Head Quarters, Division of the South,
On the line of march, May 23d, 1818.

SIR,

The southern frontier of the United States has, for more than twelve months, been exposed to all the horrors of a cruel and savage war. A party of outlaws and refugees from the Creek nation; negroes who have fled from their masters, citizens of the United States, and sought an asylum in Florida; and the Seminole Indians inhabiting the territory of Spain, all uniting, have raised the tomahawk, and

in the character of savage warfare, have neither regarded sex or age; helpless women have been massacred, and the cradle crimsoned with the blood of innocence. The United States, true to their own engagements, and confiding in the faith of Spain to enforce existing treaties, never entertained a doubt but that these atrocities would early attract the attention of the Spanish government, and that speedy and effectual measures would have been adopted for their suppression. Under this persuasion, a cordon of military posts were established, to give immediate protection to such of our frontier settlers as were peculiarly exposed, and strict injunctions issued to the American officers to respect the territory of Spain, and not to attempt operations within its limits. These instructions were most scrupulously observed; and notwithstanding the inactivity of the American troops had encouraged the Indians to the more daring and outrageous acts of violence against our citizens, the government of the United States was still disposed to respect the territory of Spain, and confide in the ability of the Spanish government to execute existing treaties, until advised through you, that with every disposition, the Spanish authorities had not the power of controlling the Indians in Florida; that their acts of late were viewed as equally hostile to the interests of Spain as those of the United States; that Spanish subjects were not exempted from the evils of which we complained; and that the negro establishments in the Apalachicola and St. Juan rivers, were founded by British agents, contrary to the will of Spain. These representations determined the President of the United States to adopt effectual measures to restore tranquillity to the southern frontier of the American republic; and pursuant to his orders, justifiable by the immutable laws of self defence, I have penetrated into Florida, reduced to ashes the Seminole villages, destroyed their magazines of provisions, beaten their warriors whenever they hazarded a contest, dispersed some, and expelled others across the river.

In the course of my operations, it became necessary to visit the Spanish fortress of St. Marks. Entering the territory of Spain to fight her battles, to relieve from bondage her subjects, and to chastise an Indian tribe whom she acknowledged, under existing treaties, she was bound to preserve at peace with the United States, I had every reason to expect, that the American army would have been received as friends, and every facility afforded to insure success to operations so interesting to both governments.

My expectations have not been realized. It had been reported to me direct from you, that fort St. Marks had been threatened by the Indians and negroes, and you expressed serious apprehensions, from the weakness of the garrison and defenceless state of the work, for its safety. From other sources to be relied on, the same information had been furnished me. It became necessary, therefore, to anticipate the movements of the enemy, and amicably to get possession of a work, the dislodging the enemy from which might have cost me much precious blood. On entering St. Marks, evidence of the

duplicity and unfriendly feelings of the commandant evinced itself. I found that the gates of his fort had been thrown open to the avowed savage enemies of the United States; that councils of war had been permitted to be held within his own quarters by the chiefs and warriors; that the Spanish store-houses had been appropriated to the use and were then filled with goods belonging to the hostile party; that cattle knowingly plundered from the citizens of the United States, had been contracted for and purchased by the officers of the garrison from the Spanish thieves; that foreign agents had free access within the walls of St. Marks, and a Mr. Arbuthnott, condemned and executed as the instigator of this war, an inmate in the commandant's family.

From this fort was information afforded the enemy of the strength and movements of my army by the said Arbuthnott, the date of departure of express noted by the Spanish commissary, and ammunitions, munitions of war and all necessary supplies furnished.

On my return from my operations east, your letter was received positively refusing to permit (unless exhorbitant duties were paid) any provisions passing up to the American fort on the Escambia; connected with this strong indication of your unfriendly disposition on your part, I have, from the most unquestionable authority, that the city of Pensacola has for some months past been entirely under the control of Indians; that free ingress and egress is permitted to the avowed savage enemies of the United States; that supplies of ammunition, munitions of war, and provisions have been received by them from thence; that on the 15th of April last, there was no less than 500 Indians in Pensacola, many of them known to be hostile to the United States, and who had but lately escaped my pursuit. The late massacre of 18 individuals on the federal road was committed by Indians direct from their return to Pensacola, who were received by you and transported across the bay to elude the pursuit of the American troops. The Americans returning, the savages were permitted to return. An Indian wounded in pursuit by a party, for having killed a citizen of the United States, was openly, in the sight of many Americans, received by you, and every comfort administered. Such practice, if authorized by the king, would justify me in open hostilities. Disposed however to believe, that it was one of the unauthorized acts of agents, I deem it politic and necessary to occupy Pensacola, and the Barrancas, with an American garrison, until the Spanish government can be advised of the circumstance, and have force sufficient to maintain, and agents disposed to enforce, existing treaties.

This is the third time the American troops have been compelled to enter Pensacola from the same causes. Twice had the enemy been expelled, and the place left in quiet possession of those who had permitted the irregular occupancy. This time it must be held until Spain has the power or will to maintain her neutrality. This is justifiable on the immutable principles of self defence. The government of the United States is bound to protect her citizens, but weak

would be all her efforts and ineffectual the best advised measures, if the Floridas are to be free to every enemy, and on the pretext of policy or necessity, Spanish fortresses are to opened to their use, and every aid and comfort afforded. I have been explicit, to preclude the necesssity of a tedious negotiation. My resolution is fixed; and I have strength enough to enforce. My army now occupies the old fort St. Michael, commanding Pensacola. If the town and Barancas are peaceably surrendered, an inventory of all the property, ammunition, arms, &c. shall be taken by officers appointed by both parties, and the amount receipted for by me, to be accounted for by the American government. The property of Spanish subjects shall be respected; their religion and laws guaranteed to them; the civil government permitted to remain as now established, subject to the control of the military authority of the United States; the ingress and egress open to all individual, commerce free to the subjects of Spain as usual, and the military furnished with transportation to Cuba.

If the peaceable surrender be refused, I shall enter Pensacola by violence, and assume the government, until the transaction can be amicably adjusted by the two governments. The military in this case must be treated as prisoners of war.

The proof supporting the accusation against your official station, will justify this procedure.

In reply to your communication of the 22d instant, I have only to observe, that the cloathing detained will be a subject for future friendly settlement.

How far the Indians permitted to remain in the neighborhood of Pensacola were friendly disposed to the citizens of the United States, is tested by the late massacre committed by them on the Alabama. The Red Ground chiefs, Muldecoxy and Holmes, avowedly hostile to the United States, were but lately seen in Pensacola; and a body of Indians descried, a few days since, in the vicinity of the Barrancas, in presence of several Spanish officers. They have not delivered themselves up, and these Red Sticks who have surrendered, were not advised to this measure by you, until intelligence of my movements had been received.

By a reference to my communications of the 21st March, you will see how far I have been the aggressor in the measure protested against.

You are there distinctly advised of the objects of my operations, and that every attempt on your part to succor the Indians, or to prevent the passage of my provisions in the Escambia, would be viewed in no other light, than as hostile acts on your part.

You have done both, and exposed my troops to the severest privations by the detention occasioned in the exactions of duties on my provision vessels in Pensacola. You have, therefore, been the aggressor and the blood which may be shed by an useless resistance on your part to my demand, will rest on your head. Before God and man you will be responsible.

This will be handed to you by my aid-de-camp, captain Gadsden, by whom an answer is expected.

[Signed] ANDREW JACKSON,
Maj. Gen. Commanding.

Don Jose Masot,
Governor of Pensacola.

Head Quarters, Division of the South,
Pensacola, May 24th, 1818.

SIR,

The enclosed communication, was forwarded to you by my aid-de-camp, captain Gadsden, last evening; not finding you however, in Pensacola, its delivery was delayed.

I have entered Pensacola to provision my troops. I have only to add, that an immediate compliance with my demand is expected. Resistance on your part would be a needless sacrifice of men.

[Signed] ANDREW JACKSON,
Maj. Gen. Commanding.

Don Jose Masot,
Governor of Pensacola,
at fort St. Charles, Barrancas.

No. 35.

Gov. Masot to general Jackson.

(Translation.)

Don Jose Masot to major general Jasckson,

Most Excellent Sir,

Your two notes dated the 23d and on this day, were delivered to me at ten o'clock this morning, by your aid de camp, captain Gads-

den. Having, in mine of the 18th instant, answered the former in a satisfactory manner, I shall only add, that as to what relates to the Indians, you have been much misinformed; the facts alluded to by you, being for the most part unfounded; in proof of which I have to state, that the only two Indians who have been here since the peace negotiated by me, exclusive of the eighty-seven sent off to maj. Youngs, are the two who are in the jail with three women and children; and further, that long prior to your movements, I had sent orders to Apalaches, to prevent any succours being given to the Seminoles, and also given public notice to the same effect in Pensacola, where those unfortunates had from time immemorial received regular supplies.

Your excellency is disposed to lay to my charge, the blood which may be shed in consequence of my refusal to deliver up this province. A compliance with your demand would dishonor the close of my life, and long military career; and I feel assured, that if placed in a similar situation, your conduct would be the same, from your natural desire to preserve unsullied your well earned laurels.

Whatever motives may be assigned, no nation is authorized in violating the territory of another, before due representations have been made to its government.

Your excellency has violated the Spanish territory at Apalache, by seizing on that fort, and hoisting your flag; a proceeding in complete hostility with the good understanding subsisting between our respective governments.

On the 21st instant, by your excellency's orders, Don Pedro Philibert, with other inhabitants, were made prisoners on their parole of honor, and this day before captain Gadsden's arrival at Pensacola, your army advanced upon it and made prisoner, on his parole of honor, of Don Pedro de Alba, the interpreter, the same who translated your two letters abovementioned. These persons, and other military men, whose presence was important to the tranquillity of the place, have thus been seized in an unjustifiable manner.

These facts being established, I ask, who but your excellency will have to answer for the bloodshed which may ensue in consequence of the determination announced in your letter of taking possession of Pensacola and Barrancas? I protest, before God and men, that my conduct is blameless, and that my sincere wishes ever have been to maintain peace and amity between our respective nations. The sincerity of my intentions is founded upon the President's message of 25th March last to Congress; the tenor of which holds out assurances, that no aggressions were to be expected from the troops of the United States. Unfortunately, however, their operations have violated the tranquillity and peace of the province.

I expect, from the generosity of your excellency, that you will leave the officers and troops of the garrison of Pensacola at perfect liberty; that your army, after receiving the necessary supplies, will

evacuate the province as speedily as possible; and that you will not carry on a partial warfare against West Florida, at a time when our two nations are in a state of profound peace.

Lieutenant colonel Don Leni Piernas, provisional commandant of Pensacola, is duly authorized to represent me, and to receive any communications your excellency may be pleased to make. To all such, the most prompt answers shall be given, through the ministry of the bearer, the interpreter, Don Pedro de Alba. In conclusion, if contrary to my hopes, your excellency should persist in your intention to take possession of this fortress, I am resolved to repel force by force, and defend it to the last extremity. He who resists aggression, can never be deemed the aggressor. God preserve your excellency many years! Fort St. Carlos, Barrancas, 24th May, 1818.

(Signed) JOSE MASOT.

His excellency Major General Andrew Jackson,
Commanding the Army of the United States.

No. 36.

General Jackson to Governor Masot.

Head Quarters, Division of the South,
Pensacola, May 25, 1818.

SIR,

The accusations against you are founded on the most unquestion evidence. I have the certificate of individuals, who on the 23d instant at or near the Little Bayou, counted 17 Indians in company of several Spanish officers. I have only to repeat that the Barancas must be occupied by an American garrison, and again to tender you the terms offered if amicably surrendered; resistance would be a wanton sacrifice of blood, for which you and your garrison will have to atone. You cannot expect to defend yourself successfully, and the first shot from your fort must draw down upon you the vengeance of on irritated soldiery. I am well advised of your strength, and cannot but remark on the inconsistency of presuming yourself capable of resisting an army which has conquered the Indian tribes, too strong, agresably to your own acknowledgement, to be. controul,

ed by you. If the force which you are now disposed wantonly to sacrifice, had been wielded against the Seminoles, the American troops had never entered the Floridas. I applaud your feeling as a soldier, in wishing to defend your post; but where resistance is ineffectual, and the opposing force overwhelming, the sacrifice of a few brave men, is an act of wantonness, for which the commanding officer must be accountable to his God.

(Signed) ANDREW JACKSON,
Maj. Gen. commanding
Division of the South.

Don Jóse Masot, commanding Barrancas.

Certificates and Declarations.

No. 37. *a.*

We certify, that being in fort St. Marks, Barrancas, on the 28th of May, 1818, in the afternoon, soon after the American troops took possession of the work, and as the Spanish troops were marching out, we saw an Indian carried out by some of the Spanish soldiers. He was laid on the beach, to be put on board a boat. He was wounded in his leg or thigh, and had every appearance of having been engaged in the defence of the fort.

(Signed) WILLIAM RUSSEL,
Captain Spies.
JAMES L. BELL,
Capt. 1st Reg't. I. T. M. G. M.

Witness, WILLIAM S. FULTON,
Private Secretary Commanding General.

No. 37. *b.*

I certify, that on the 23d of May, being in the Bayou, which enters Pensacola Bay one and an half miles from the town, I saw at the ferry, on the road to Barrancas, a number of Indians, I think about

17, in company with 4 Spanish officers. The officers were carried over, and the boat returned to ferry over the Indians. I saw one boat load landed on the side next the Barrancas. The Indians concealed themselves in the bushes on discovering us.

(Signed) RICHARD BRICKHAM.

Witness, CROSS, *lieutenant 1st infantry.*

I certify, that I was in the boat with Brickham, at the place and time mentioned in the above certificate, that I saw several Indians in company with four Spanish officers. The officers were ferried over with one Indian. I did not see the Indians ferried over; they concealed themselves on discovering us.

his
(Signed) JOHN ⋈ BONNER.
mark.

Witness, T. CROSS, *lieutenant 1st infantry.*

Witness to both certificates,
WILLIAM S. FULTON,
Private Secretary Com'g. Gen'l.

No. 37. *c.*

Fort Montgomery, June 2, 1818.

I certify, that between the 5th and 7th of May, 1818, whilst at Fort Gadsden, on the Appalachicola river, I was informed by a Mr. Larua and Benneto Gassea, both citizens of, and at that time direct from Pensacola, that at the time of their departure thence, there were 500 Indians in and about Pensacola; and I further certify, that on my arrival at Pensacola, on the 23d of May, I was informed by Mr. Skeets and other citizens of that place, that on the 22d, which was the day before my arrival, Holmes, (a noted Red Stick) with his party, had left Pensacola to proceed to the Chocktawatchy for safety, having been for several days previous in town. All which I certify on honor.

(Signed) WM. HAMBLY.

Witness, WILLIAM S. FULTON,
Private Sec'ry. Com'g. Gen'l.

No. 37. *d.*

Province of West Florida, Town of Pensacola,
September 18th, 1818.

In pursuance with an order to me directed by colonel William King, civil and military governor of said province, (a copy whereof is hereto annexed) I caused to appear before me, at the quarters of captain Hugh Young, of the army of the United States, in this town, the following persons, viz: Manl. Gonzales, Dr. Brosnaham, William Cooper, J. Dauphin, — Skeete, Felippe Prieto, Joachim Barrelas, P. Alba, jr. Jose Bonefai, (Marian) and Charles le Jean, to answer on oath, such interrogatories, not tending to criminate themselves, as might be propounded to them by captain Young, relating to the intercourse which took place between the late Spanish authorities of this province, and the hostile Indians, during the recent war with the United States.

Joachim Barrelas being duly sworn, declares, that he has frequently seen parties of Indians in the town of Pensacola, since the month of November, 1817, says, that parties of Indians have been provisioned by the late authorities at this place on several occasions; has frequently heard, and believed that the Indians were in the habit of bringing into this place, horses, cattle, &c. for the purpose of selling them and other plunder. Says he was at Barrancas at the time that general Jackson came to Pensacola, in May last; deponent acted there as commissary, and knows that several Indians went from town down to Barrancas with the Spanish forces and took refuge in the fort; that, at the same time, several small parties were encamped about the Barrancas; that upon the arrival of general Jackson before the Barrancas, Tapaulca and family were also in the fort; deponent has seen said chief several times in Pensacola, and believes him to be either a Creek or Seminole Indian; that while deponent was at Barrancas, and subsequently to the said month of November, 1817, he saw an Indian named Luna, an express from St. Marks, cross over from Santa Rosa island to Barrancas, with despatches for the governor here; says that since the said month of November 1817, governor Masot being himself at Barrancas, did order this deponent to give rations to several parties of Indians then there, of at least from thirty to forty strong, men, women, and children.

(Signed) JOAQN. BARELES.

George Skeate being duly sworn, declares, that he has constantly resided in the town of Pensacola since November 1817, since which he has repeatedly seen at different times, in said town, from

thirty to forty Indians; has not seen any ammunition given to the Indians, within the period alluded to; has heard and believes that horses, cattle, &c. were brought into this place, by the Indians and sold, which deponent however did not see. Deponent believes that the late governor Masot was well acquainted with the several murders that were committed on the neighboring American frontier; knows of no supplies furnished by order of the Spanish government, since about the month of March 1817, when a supply of knives, a few blankets, and some copper kettles were furnished, and delivered to a party of Indians, for the purpose, as was then said, of acting against the insurgents, who were expected; that the said party of Indians, shortly disappeared, and nothing more was heard of them. Deponent saw, on the day that major Youngs attacked a party of Indians in the neighborhood of this town, a number of Indians whom he believes were sent (or went themselves) across the bay, in a boat belonging to Don Antonio Molina, captain of the port.

(Signed) GEORGE SKEATE.

Mr. Charles Le Jeune, being duly sworn, declares:

That he has resided in Pensacola since November, 1817; since which he has frequently seen, in this town or its vicinity, parties of upwards of an hundred Indians encamped; that these parties were armed, either with rifles or with the arms that were furnished them by the English; that although he cannot state that those parties had received ammunition from the Spanish government here, he nevertheless can and does state, that the said parties were provisioned from the king's stores, by Prieto, king's storekeeper; that previous to November, 1817, the government was regularly in the habit of giving out ammunition to the Indians, from a store which was expressly for that purpose here; that on the day that major Youngs attacked the Indians near this town, there was a considerable number encamped near the water side, in town, who, upon hearing the report of fire arms, crossed the bay in their own boats, and in other larger boats, belonging to others.

(Signed) CARLOS LAVALLE.

William Cooper, being duly sworn, declares:

That he has resided in Pensacola since November, 1817; during which period he has frequently seen in town and its vicinity, several parties of Indians; saw one in particular, with some sheet lead; and has heard, that the Indians had introduced some clothes into town

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that looked like American manufacture. States also, that Tapaulca was *Red Stick* chief, and had been frequently about Peneacola for several years past.

(Signed) WILLIAM COOPER.

Pensacola, September 19th, 1818.

I certify, that the aforegoing depositions were sworn to and subscribed, before me on this day.

(Signed) M. M'KENNEY, Sen.
J. P. in and for town of Pensacola, West Florida.

(Copy.)

No. 37. *e.*

John Duffy being duly sworn, declares as follows.

Question. Have you resided in and about Pensacola since Nov. 1817?

Answer. I have.

Question. Have you seen in said town, or its vicinity, within or since that period any Indians?

Answer. I have.

Question. How many did you see at any particular time?

Answer. About the latter end of that spring I saw in town from fifty or sixty Indians; but few of these were armed because they were prohibited from coming into town armed. I suppose their arms were left in their camps in the neighborhood.

Question. How did these Indians subsist themselves, and how did they procure ammunition?

Answer. Probably from the government here; of this however I am not certain.

Question. Did you see any horses, cattle, or other plunder brought into this place by the Indians?

Answer. No.

Question. How many Indians were in Pensacola and its neighborhood at the time that major Youngs attacked a party near this town?

Answer. Of all descriptions, viz. men, women, and children, there must have been a considerable number, not less probably than one hundred and fifty or sixty.

Question. When major Youngs attacked a party near town, how did those in town find means to escape across the bay?

Answer. I have understood and believe that they were set across the bay by order of the governor.

[Signed] SANTIAGO DAUPHIN.

A true copy. *R. K. Call, A. D. C.*

Joseph Bonefi being duly sworn, declares as follows, viz.

Question. Have you lived in Pensacola since November, 1817?

Answer. I have.

Question. Have you not, between that period and the approach of the American forces under major general Jackson, repeatedly seen divers parties of hostile indians in this town or its neighborhood?

Answer. I have. Indeed between the said month of November and the time that the hostile party surrendered to major Youngs, there were or less in town, sometimes in numbers considerable, sometimes fewer.

Question. How or by whom were those Indians subsisted, and from whom or by what means did they procure ammunition and other warlike stores or weapons?

Answer. I have understood and do believe, that they were fed by the government here; as to ammunition, &c. I cannot state how they procured supplies, except it might have been from the stores about town.

Question. Have you seen or been informed of any horses, cattle, or other plunder having been brought in here by the Indians within the time above alluded to?

Answer. No.

[Signed] JOSEPH BONIFAY.

Pensacola.

Both depositions sworn to and subscribed before me the 19th September, 1818.

[Signed] M. M'KENNEY, Sen.
J. P. in and for Pensacola W. Florida.

A true copy. *R. K. Call, A. D. C.*

No. 37. *f.*

Pierre Senac being solemnly sworn, declares as follows.

That he has resided in the town of Pensacola constantly since the month of November last past; that since that time, and until the arrival of major Youngs near this town, there were always considerable numbers of hostile Indians in or near the town; that on many occasions within that period, he has seen from one hundred and fifty to two hundred Indians here; that their forces were regularly provisioned from the king's store here; that he has seen large quantities of sheet lead in the possession of the Indians, and considers it as greatly resembling the lead aprons of cannon. That the government must have furnished the lead in question, as there were no other means here of getting such lead, and that the said lead was run off into balls, which this deponent saw. That on the day major Youngs attacked a party of Indians near this town, there was then in town a considerable number more who were set across the bay in boats provided for that purpose by the Spanish governor.

Deponent further states, that about the first of March last past, three considerable parties of hostile Indians, one party under the command of Leon Lesassier, another under the command of Arnaud Gilmer, (both lieutenants, in his catholic majesty service) and the third commanded by an Indian chief, retired out of this town, and went down towards the neighborhood of Barancas, where provisions and ammunition were regularly supplied them by the Spanish government; that the said Indians were armed with guns which they had received from the English during the late war, and that they remained encamped within from one to three leagues of Barancas for the space of nearly a month; that these Indians, besides being armed with guns had also tomahawks which deponent understood and believes, were furnished by John Innirarity; and that when the government caused the said parties to be thus assembled and equipped, they were collected at Barancas, for the purpose as deponent conceives, to elude the vigilance of such individuals in Pensacola as would not concur in such measures.

Deponent further states, that since the said month of November last past, he has seen brought in here by the Indians, a quantity of cottonade and women's clothing brought or said to have been brought from the American frontier; that these things were publicly sold in this town, notwithstanding it was notoriously known here, that those articles and property had just been taken from those whom the Indians had killed on the American frontier.

Attest (Signed) PIERRE SENAC.

(Signed) J. P. ROBINSON, *Interpreter. Pensacola.*

Sworn to and subscribed before me this 19th day of September, 1818.

(Signed) MILL. KINIEY, Sen.

Justice of the Peace in and for the town of Pensacola, W. F.

No. 37. *g*.

Jose S. Caro, a citizen of Pensacola, being sworn, states, that early in the present year, 1818, a party of hostile Indians were in Pensacola, their numbers not known, but probably fifty; that on hearing of the approach of the American army under general Jackson, the governor of Pensacola furnished those Indians with provisions and ammunition, and sent them in public boats across the bay; the deponent saw the rations issued, and the party embarked. The deponent further states, that subsequent to this, he saw three parties of hostile Indians furnished with provisions, the ostensible object of which was to enable those Indians to march to the interior, and give themselves up, but it was very generally believed that those Indians had no such intention. The deponent saw those Indians set out and states that they had their arms.

(Signed) JOSEPH ESTEVEN CARO.

Sworn and subscribed before me at Pensacola, 10th September, 1818

(Signed) H. YOUNG,
Cap. Top. Engs.

No. 37. *h*.

Charles Baron, a residentof Pensacola, being sworn, states: That about the latter end of April, or beginning of May, 1818, a party of Indians, amounting to near one hundred, were in Pensacola with a quantity of plunder, which, it was generally believed, was taken at the time Stokes' family was murdered on the Escambia. The Indians sold this plunder openly to the inhabitants of Pensacola, and the deponent could not learn that the Spanish authorities at Pensacola made any inquiries respecting it. The deponent further states, that at several times in the present year, 1818, he saw parties of Indians furnished with provisions and ammunition from the king's stores; but he does not recolloct the dates of these transactions. The deponent further states, that he has frequently heard Spanish officers at Pensa-

cola, justify the conduct of the Indians towards the United States, manifesting, in their conversation, a decided hostility towards the Americans.

CARLOS BARON.

Sworn before me at Pensacola, September 13th, 1818.

H. YOUNG, *Capt. Top. Eng's.*

No. 38.

General Jackson to the Secretary of War.

Head Quarters, Division of the South, Fort Gadsden, east bank of the Appalachicola river, formerly Negro Fort, March 25, 1818.

SIR,

At 7 o'clock P. M. on the 9th instant, I reached Fort Scott, with the brigade of Georgia militia, 900 bayonets strong, and some of the friendly Creeks, who had joined me on my march a few days before; where, finding but one quart of corn per man, and a few poor cattle, which, added to the live pork I brought along, would give us three days rations of meat, determined me at once to use this small supply to the best advantage. Accordingly, having been advised by colonel Gibson, quartermaster general, that he would sail from New Orleans on the 12th February, with the supplies; and being also advised, that two sloops with provisions were in the bay, and an officer had been despatched from Fort Scott, in a large keel boat, to bring up a part of their lading; and deeming that the preservation of those supplies would be to preserve the army, and enable me to prosecute the campaign; I assumed the command on the morning of the 10th, ordered the live stock slaughtered and issued to the troops, with one quart of corn to each man, and the line of march to be taken up at 12 meridian. Having to cross the Flint river, and it being very high, combined with some neglect in returning the boats during a very dark night, I was unable to move from the opposite bank until nine o'clock on the morning of the 11th, when I took up my line of march down the east bank of the river for this place, touching the river as often as practicable, looking for the provision boat which was ascending, and which I was fortunate enough to meet on the 13th instant, when I ordered an extra ration to the troops, they not having receiv-

ed a full one of meal or flour since their arrival at Fort Early. On that day, my patroles captured three prisoners, and found some hidden corn. On the morning of the 14th, I ordered the boat down the river to this place, whilst I descended by land, and reached here without interruption on the morning of the 16th. The eligibility of this spot, as a depot, determined me, and I immediately directed my aid-de-camp, lieutenant Gadsden, of the engineer corps, to furnish a a plan for, and superintend the erection of a fortification. His talents and indefatigable zeal displayed in the execution of this order, induced me to name it Fort Gadsden, to which he is justly entitled.

On my arrival here, I immediately despatched the boat to the bay for the balance of provisions known to be there, and to ascertain whether the flotilla, in charge of colonel Gibson, had reached there; and which returned on the 19th, with the unpleasing intelligence that nothing had been heard from the flotilla from New Orleans, since it was seen passing Fort Bowyer. I immediately put the troops on half rations, and pushed the completion of the fort for the protection of the provisions, in the event of their arrival, intending to march forthwith to the heart of the enemy, and endeavor to subsist upon him. In the mean time, I despatched major Fanning, of the corps of artillery, to take another look into the bay; whose return, on the morning of the 23d, brought the information that colonel Gibson, with one gunboat and three transports, and others in sight, were in the bay. On the same night, I received other information, that no more had arrived. I am, therefore, apprehensive that some of the smaller vessels have been lost, as one gunboat went to pieces, and another when last spoken had one foot water in her hold. All of the vessels had been spoken after a gale which dispersed them. A north and north west wind has prevailed for six days, but has fortunately changed this morning. I am now awaiting a boat from the bay, (which is expected to-day) to complete eight days rations for my troops, upon which I mean to march.

From information received from Pensacola and New Orleans, I have no doubt but that St. Marks is in possession of the Indians. The governor of Pensacola informed captain Call, of the 1st infantry, (now here) that the Indians had demanded arms, ammunition, and provisions, or the possession of the garrison of St. Marks of the commandant, and that he presumed possession would be given from inability to defend it. The Spanish government is bound by treaty to keep the Indians at peace with us; they have acknowledged their incompetency to do this, and are consequently bound by the law of nature and nations, to yield us all facilities to reduce them. Under this consideration, should I be able, I will take possession of the garrison as a depot for my supplies, should it be found in the hands of the Spanish garrison, they having supplied the Indians; but if in the hands of our enemy, I will possess it for the benefit of the United States, as a necessary position for me to hold, to give peace and security to this frontier, and put a final end to Indian warfare in the south.

Finding it very difficult to supply fort Crawford, on the Conaco river, by land, I have ordered the supplies for that garrison, by water, and written to the governor of Pensacola, that if he interrupts them during the present Indian war, I shall view it as aiding our enemy, and treat it as an act of hostility, and stated to him the propriety, under existing circumstances, of his affording all facilities to put down their own, as well as our enemies, and that our governments, whilst negotiating, can take this subject under consideration; but in the mean time, our provisions must pass to fort Crawford, without interruption.

In mine of the 14th February from Hartford, I informed you of the measures adopted to procure supplies, and in my last of the 26th from fort Early I informed you of their situation. To those communications I beg leave to refer you. I have only to add, that I left fort Early for fort Scott, and subsisted my troops on ground pease, corn, and some pork, that I could occasionally procure from the Indians, with some pork that I had on foot, the whole subsistence for man and horse, not costing five hundred dollars. Of all the supplies purchased for the relief of fort Scott, and the support of the Georgia militia, not one pound was received until I passed fort Scott I said in my last, that blame rested somewhere; the cause of those failures, will in due time, be a subject of investigation, and colonel Brearly has been arrested on the application of general Gaines.

By some strange fatality, unaccountable to me, the Tennessee volunteers have not yet joined me. They promptly left their homes, and through the inclement weather, reached fort Mitchell, where I had ordered them supplies, and where colonel Hayne, who led them, met my instructions to pass by fort Gaines, where he would get a supply of corn, that would enable him to reach fort Scott; but the idea of starvation had stalked abroad; a panic appears to have spread itself every where, and he was told that they were starving at forts Gaines and Scott, and was induced to pass into Georgia for supplies. His men and officers, as reported to me, were willing to risk the worst of consequences, on what they had, to join me; however they have been marched from their supplies, to a country stripped of them, when every consideration should have induced his advisers to have urged him on to secure the supplies in the bay, and preserved themselves and fort Scott from starvation I have a hope that they will join me before I reach St. Marks, or the towns; this would be desirable, as the troops ordered from New Orleans to protect the supplies, have not reached the bay, and leaving garrisons at forts Scott and Gadsden, weakens my force much, the whole effective strength of the regular, being but 560 privates.

In mine of the 26th ult. from fort Early, informed you that despatches received by general Gaines on the 19th ultimo from the commanding officer at fort Scott, induced him to set out that night for fort Scott, to prevent its abandonment, &c. In his passage down the Flint river, he was shipwrecked, by which he lost his assistant, adju-

tant general, major C. Wright and two soldiers (drowned.) The general reached me six days after, nearly exhausted with hunger and cold, having lost his baggage and clothing, and being compelled to wander in the wood four and a half days without any thing to subsist on, or any clothing except a pair of pantaloons. I am happy to have it in my power to say that he is now with me at the head of his brigade in good health.

The great scarcity of subaltern officers in the 4th and 7th regiments of infantry, has induced me to appoint several young men (present) as second lieutenants in those regiments, who, from personal knowledge and good recommendations, I have no doubt will prove themselves worthy, and trust the measure will meet the approbation of the President. A list of their names and the regiments to which they are attached, will be furnished the adjutant and inspector general by my adjutant general.

I have the honor to be,

Very respectfully,

Your most obedient servant,

ANDREW JACKSON,
Maj Gen Comdg.

The Hon. Jno. C. Calhoun,
Department of War.

P. S. Since writing the above I have the pleasure to inform you that the boat from the bay, has asrived with provisions, also colonel Gibson and Capt. M'Kever of the navy. I shall move to-morrow, having made the necessary arrangements with captain M'Kever for his co-operation in transporting my supplies around to the bay of St. Marks from which place I shall do myself the honor to communicate to you. Should our enemy attempt to escape with their supplies and booty to the small Islands, and from thence to carry on a predatory warfare, the assistance of the navy will prevent his escape Gen. Wm. M'Intosh, commanding the friendly Creeks, who had been ordered to reconnoitre the right bank of the Appalachiçola, reported to me on the 19th instant, that he had captured, without the fire of a gun, one hundred and eighty women and children, and fifty three warriors of the Red Ground chief's party with their cattle and supplies; the chief and thirty warriors making their escape on horseback: ten of the warriors attempting their escape after they had surrendered, were killed by the general.

A. J.

No. 39.

General Jackson to the Secretary of War.

Head Quarters, Division of the South,

Fort Montgomery, June 2, 1818.

SIR,

The Seminole war having terminated, I deem it politic and advisable, to send to Washington John Blunt and his Indian comrades, who have acted as pilots to me during the late campaign. John Blunt is a Tuckabatchee Indian, has long been friendly to the United States, and in consequence of his opposition to the Red Stick party, during the Creek war, has drawn down upon himself their vengeance during the late contest. His settlement being in an exposed situation on the Appalachicola river, he was early attacked by the Seminoles, his property destroyed, and his family rifled from him. Alone he escaped, and fled to Fort Scott, where, joining the American standard, he has proven himself a most zealous friend and faithful pilot to this period. In justice to him, I am bound to state, that to his correct knowledge of the country, and zealous attachment to the cause in which we were engaged, am I measurably indebted for the success of the present campaign.

Mr. Hambly accompanies John Blunt. Mr. H. is a Spanish subject by birth, and has long been a resident as a trader on the Appalachicola river. In consequence of his attachment to the American cause, and his active exertions to check the hostile feelings of those Indians disposed to war against the United States, he drew down upon himself and family their vengeance. He was forcibly taken from his home, at an early period of the war; his property, goods, and negroes, taken from him, and he violently transported from Nukamky, Suwany, and St. Marks, until finally relieved by captain M'Kever, of the American navy. Since which period, he has been attached to my army, as Indian interpreter. You will find him an honest and faithful friend to our government, and valuable for the information which he can afford of Spanish policy and intrigue. He is well acquainted with all the transactions of foreign agents in this country, of their practices, &c. and how far encouraged by the Spanish authorities, &c.

With respect, your obedient servant,

ANDREW JACKSON,

Maj. Gen. Comdg.

The Hon. J. C. Calhoun, Secretary of War.

No. 40.

Gen. Jackson to the Secretary of War.

Head Quarters Div. South,

Camp near St. Marks, 8th April, 1818.

SIR,

I wrote you from Fort Gadsden, communicating the embarrassments under which I had labored previous to my arrival at that post, and my determination, being then in a situation to commence active operations, to penetrate immediately into the centre of the Seminole towns. My army marched on the 26th ultimo, and on the 1st of April was reinforced by the friendly Creek warriors under general M'Intosh, and a detachment of Tennessee volunteers commanded by colonel Elliot. On the same day a mile and a half in advance of the Mekasukean villages, a small party of hostile Indians were discovered judiciously located on a point of land projecting into an extensive marshy pond; the position designated, as since understood, for the concentrating of the Negro and Indian forces to give us battle. They maintained for a short period a spirited attack from my advanced spy companies, but fled and dispersed in every direction upon coming in contact with my flank columns and discovering a movement to encircle them. The pursuit was continued through the Mekasukean towns, until night compelled me to encamp my army. The next day detachments were sent out in every direction to reconnoitre the country, secure all supplies found, and reduce to ashes the villages. This duty was executed to my satisfaction: nearly three hundred houses were consumed, and the greatest abundance of corn, cattle, &c. brought in. Every indication of hostile spirit was found in the habitations of the chiefs; in the council houses of Kenhagee's town, the king of the Mekasukians, more than fifty fresh scalps were found; and in the centre of the public square, the old Red Stick's standard, *a red pole*, was erected crowned with scalps, recognized by the hair as torn from the heads of the unfortunate companions of Scott.

As I had reason to believe that a portion of the hostile Indians had fled to St. Marks, I directed my march towards that fortress. As advised I found that the Indians and Negroes combined had demanded the surrender of that work: the Spanish garrison was too weak to defend it, and there were circumstances reported, producing a strong conviction in my mind, that if not instigated by the Spanish authorities, the Indians had received the means of carrying on the

war from that quarter. Foreign agents, who have been long practising their intrigues and villanies in this country had free access into the camp. St. Marks was necessary as a depot to ensure success to my operations These considerations determined me to occupy it with an American force: an inventory of the Spanish property, munitions of war, &c. has been taken and receipted for, and the commandant and garrison furnished with transportation to Pensacola. My correspondence with the Spanish commandant, the evidences under which I acted, and a detailed account of my operations, will be furnished you as early as practicable. Success depends upon the rapidity of my movements, and to-morrow, I shall march for the Sewaney river; the destroying the establishments on which, will in my opinion put a final close to this savage war. Captain M'Kever of the navy cruising at my request on this coast has been fortunate enough in securing Francis or Hillis Hajo, the great prophet, and Homattlemico an old Red Stick. They visited his vessels under an impression they were English, from whom as they stated supplies of munitions of war, &c. under late promises were expected. Arbuthnott, a Scotchman, and suspected as one of the instigators of this savage war, was found in St. Mark's. He is in confinement until evidences of his guilt can be collected.

With respect,

Your most obedient servant,

ANDREW JACKSON,
Major General commanding.

The Hon. J. C. Calhoun,
Secretary of war.

No. 41.

General Jackson to F. C. Luengo,
Head Quarters, Division of the South,
Before St. Marks, 6th April, 1818.

SIR,

To chastise a savage foe, who, combined with a lawless band of negro brigands, have for some time past, been carrying on a cruel and unprovoked war against the citizens of the United States, has

compelled the President to direct me to march my army into Florida. I have penetrated to the Mickasuky towns, and reduced them to ashes.

In these towns I found many indications of a hostile spirit. On a red pole, in the centre of the council houses of Kenhagee's town, more than fifty fresh scalps of all ages, from the infant to the aged matron, were found suspended.

In addition to this, upwards of three hundred old scalps were found in the dwellings of the different chiefs settled on the Mickasuky pond. Those barbarians, who escaped death, have fled. From information communicated by the governor of Pensacola, to two of my captains, Gordon and Call, I was induced to believe that they had fled to St. Marks for protection. The governor stated that the Indians and negroes had demanded of you large supplies of munitions of war, with a threat, in the event of a refusal, of taking possession of your fortress. He further expressed an apprehension, that from your defenceless state, they were already in possession of St. Marks. The wife of Chenubby, a noted chief, now a prisoner in my camp, informed me, that the hostile Indians and negroes, obtained their supply of ammunition from St. Marks.

To prevent the recurrence of so gross a violation of neutrality, and to exclude our savage enemies from so strong a hold at St. Marks, I deemed it expedient to garrison that fortress with American troops, until the close of the present war. This measure is justifiable on the immutable principle of self defence, and cannot but be satisfactory, under existing circumstances, to his catholic majesty, the king of Spain. Under existing treaties between our two governments, the king of Spain is bound to preserve in peace, with the citizens of the United States, not only his own subjects, but all Indian tribes residing within his territory. When called upon to fulfill that part of the treaty, in relation to a savage tribe, who have long depredated, with impunity, on the American frontier, incompetency is alleged, with an acknowledgement, that the same tribe have acted in open hostility to the laws, and invaded the rights of his catholic majesty. As a mutual enemy, therefore, it is expected that every facility will be afforded by the agents of the king of Spain, to chastise these lawless, and inhuman savages. In this light is the possession of St. Marks, by the American forces, to be viewed

I come not as the enemy, but as the friend of Spain. Spanish rights and property will be respected. The property and rights of Spanish subjects will be guaranteed them. An inventory of all public property, munitions of war, &c. shall be made out, and certified by an officer, appointed by each of us, and a receipt given for the same, to be accounted for to his catholic majesty, by the United States. The subject of my possession of the garrison of St. Marks, will be referred to our respective governments for amicable adjustment. Some armed vessels of the United States, are in the bay of St. Marks, with whom I wish to communicate. You will, I trust, furnish me with a small vessel to convey a letter, as well as some sick and wounded, that are

with me. As our mutual savage enemies are concentrating their forces, near or on the Suwany, an early and prompt answer is requested to this letter, with an English translation, as neither myself, or staff, are acquainted with the Spanish.

This will be handed you by aid-de-camp lieutenant James Gadsden, by whom an answer is expected.

I have, &c.

ANDREW JACKSON,
Maj. Gen. Commanding.

The commanding Officer at St. Marks.

No. 42.

(Translation.)

F. C. Luengo to General Jackson.

St. Marks of Apalache, 7th April 1818.

Most Excellent Sir,

Being made to understand, although with the greatest difficulty, the contents of the letter with which your excellency honored me yesterday evening, delivered to me by your aid-de-camp, James Gadsden, I will declare to your excellency the satisfaction the knowledge of your expedition against Mickasukey, has afforded me. That such would be the event could not be doubted, on considering the superior talents and skillful conduct of your excellency, and to these must be attributed the success, on which I tender you my most cordial congratulations.

My chief, the governor of Pensacola, had, in truth, reason to mention to your captains Gordon and Call, what your excellency states to me, and to entertain fears for the fate of this fort, menaced by Indians and negroes, for some months past, and particularly, since they have been disappointed in their expectations of obtaining powder and ball, which they have so repeatedly solicited, and to which they thought themselves entitled, from the practice, which existed, of supplying them annually therewith. This proves how entirely unfounded is the assertion of the wife of the chief Chenubbee,

that the Indians have been supplied with munitions in this fort, since I was advised, and I determined to maintain the most perfect neutrality. No one can better remove from your excellency's mind any unfavorable impressions, you may have formed on this subject, than the bearer William Hambly, as he has at various times interpreted to me the solicitations of the several Indian chiefs, in my neighborhood, and he can also inform you of the advice I always gave them to avoid the destruction which has overtaken them, and which I foresaw from the beginning.

This being realized, and there being now no motive to fear any insult to the fort from these barbarians and the negroes, I beg permission of your excellency to call your attention to the difficulty I should involve myself in with my government, if I were presently to assent to what your excellency proposes to me, to garrison this fort with the troops of the United States, without first receiving its orders. Such I will solicit immediately an opportunity offers, and I do not for a moment doubt that they will be given to me; so zealous is my government to comply with the stipulations between her and the United States. In the interim, I hope your excellency will desist from your intention, and be firmly persuaded of the good faith and harmony which will reign between this garrison, and whatever troops you may think fit to leave in this vicinity, who may assist me in the defence of this fort, on any unforeseen event.

The sick your excellency sent in are lodged in the royal hospital, and I have afforded them every aid which circumstances admit. I hope your excellency will give me other opportunities of evincing the desire I have to satisfy you. I trust your excellency will pardon my not answering you as soon as requested, for reasons which have been given you by your aid-de camp. I do not accompany this with an English translation, as your excellency desires, because there is no one in the fort capable thereof; but the beforenamed Wm. Hambly proposes to translate it to your excellency in the best manner he can.

May our Lord preserve your excellency many years, such is my prayer.

Most excellent sir, I kiss your excellency's hands.

Your most devoted and obedient servant,

FRANCISCO CASO LUENGO.

The most excellent Andrew Jackson,

General in Chief of the troops of the

United States, before St. Marks.

No. 43. *a.*

General Jackson to F. C. Luengo.

Head quarters, Division of the South,
Camp near St. Marks. 7th April. 1818.

SIR,

I refer you to my communication of yesterday, for the motives which have compelled me to occupy the fort of St. Marks. I again repeat, that I have entered the territory of Spain, as a friend, to chastise a mutual enemy of both nations and whom his catholic majesty was bound, under the most sacred of treaties, to have punished himself. Peculiar circumstances, however, have prevented, and it was therefore expected that every facility would have been given to the American arms, to have ensured success to their operations. The occupation of St. Marks is essential to the accomplishment of my campaign, and is peculiarly so at this period, when evidence is derived from every source, of the designs of the negroes and Indians against that fortress. They are now concentrating with the intention of taking possession of St. Marks the moment my army moves from its vicinity; the dislodging them from which, will cost me more American blood, than I am disposed should be shed. Success to my operations requires despatch; you will excuse me, therefore, in refusing your request, that a suspension should be granted until a permit is obtained from your government, and in insisting that St. Marks should be immediately occupied by American troops.

Major Fanning, my inspector general and lieut. Simmons of the Ordnance Department, are appointed to act with one or two officers nominated on your part, to take an inventory of, and inspect all public property in the fort of St. Marks, for which receipts will be given in the name of the American government.

Any disposition which you would wish made with the private property of yourself, officers, and soldiers, or any other arrangements gratifying to yourself, will be settled by my aids de-camp lieuts. Gadsden, and Glassel.

ANDREW JACKSON,
Major Gen. Comm^g.

Don Francisco Caso Luengo,
Commanding fort Marks.

No. 43. *b.*

General Jackson to F. C. Luengo.

Head quarters, Division South,
Camp near St. Marks, 7th April, 1818.

SIR,

I have received your protest against my proceedings. The occupancy of fort St. Marks by my troops, previous to your assisting

to the measure, became necessary from the difficulties thrown in the way of an amicable adjustment, notwithstanding my assurances that every arrangement should be made to your satisfaction and expressing a wish that my movements against our common enemy should not be retarded by a tedious negotiation. I again repeat what has been reiterated to you through my aid de camp lieut. Gadsden, that your personal rights and private property shall be respected, that your situation shall be made as comfortable as practicable while compelled to remain in fort St. Marks, and that transports shall be furnished as soon as they can be obtained to convey yourself, family, and command to Pensacola.

I daily expect some vessels from the bay of Appalachicola: as soon as they arrive, the most suitable shall be selected for said purpose.

ANDREW JACKSON,
Major Gen. Commanding.

Don Francisco Caso Luengo,
Governor of St. Marks.

No. 44.

F. C. Luengo to General Jackson.

[Translated copy.]

Apalache, 7th April, 1818.

Most Excellent Sir,

I should insist on what I stated to your excellency in my letter of this morning, as to the necessity of awaiting orders from the governor of Pensacola, for the delivery of the fort under my command, were I not, in addition to what your excellency says in your answer, threatened by your aid de-camp, and the other officers appointed to negotiate on the subject, and had not so large a body of troops entered, without awaiting my permission, and taken possession of all the stores and posts, lowering the Spanish flag, and hoisting the American. So manifest a violation of the territory of his catholic majesty, obliges me to complain of it, and to protest against it, and I accordingly do protest against it, and beg of your excellency to provide, as speedily as possible, the vessels necessary to transport me to Pensacola, to-

gether with the troops, and those persons who are in the royal employ; and also, to give orders, that, in the interim, the private property and effects of every Spanish individual here be respected. With respect to the public property of his catholic majesty, I have nominated the subaltern of the detachment, and commissary of the fort, to make, with three officers whom you name to me, an inventory thereof.

I repeat to your excellency my respects, and prayers to God to preserve your life many years.

Most excellent sir, I kiss your excellency's hands.

Your most obedient and devoted servant,

FRANCISCO CASO Y LUENGO.

The most excellent Andrew Jackson,
General of the troops of the United States,
before St. Marks.

No. 45.

W. Hambly's Certificate, 24th July, 1818.

I do hereby certify, that during my long residence on the river Apalachicola, my knowledge of the Indian language, and my intimate acquaintance with the different chiefs, gave me many opportunities of knowing through them the advice given them, from time to time, by the governors of West Florida, hostile to the United States. In the year 1812 or 1813, I saw a letter from the governor of Pensacola to the late chief of the Seminoles, Thomas Perryman, advising him to collect his forces and join his upper town brethren, whom he said, had come to a determination to rise in arms and shake off the American yoke; he would supply their arms and ammunition; and he said he was sure that in less than a month, their fathers and protectors the Spaniards would have a sufficient army in the field to aid and protect them. Not long after I saw this letter, a large party of Indians went down to Pensacola, where they received a large supply of ammunition, and some arms. It was but shortly after this, when they attacked and destroyed the garrison of fort Mims; this was the commencement of the first Indian war—on the 13th of December last, when on my plan-

tation on the Apalachicola, I was made a prisoner of by a party of Seminole Indians, and was taken up to the Ocheehee Bluffs, in company with Mr. Doyle, who was made a prisoner of with me; they kept us here three days, during which time they were busily engaged with some transports which were then ascending the river to fort Scott; from thence they took us to the Mekasukee, where the Indians informed me that they had been told by the commandant of St. Marks, that war was declared between Spain and the United States. From this place we were carried to the Suwanee, when Kenhagee, principal chief of the Seminoles, told me that we had been taken and robbed by order of Arbuthnott, and brought there to be tried by him; shortly after we reached this, Arbuthnott arrived from Providence, when we were tried and sentenced by said Arbuthnott to be tortured; this sentence was not put in execution by the friendly interference of Mr. Cook, clerk to Arbuthnott, and the negro chief Nero; we were then conducted back to the Mekasukee; then Kenhagee went down to the fort St Marks, to consult the commandant if he would take us as prisoners to keep at his order; they held a council among the neighboring chiefs, and on the fifth day he returned and ordered us to be conducted down, next morning; we arrived at St. Marks, on the 12th of February, at night; the Spanish officers received us kindly, but the commandant did not forget to remind us that we were still prisoners, and marked out that night the limits of our prison, he rigidly kept during the time of our stay. Next morning, the first thing that presented itself to my view, was my saddle-horse, which had been taken from me by the Indians; he was in the possession of the commissary. I mentioned it to the commandant, but he said that he bought him of an Indian, and he could do nothing in it. A few days after, in the course of conversation, I mentioned it to the Spanish doctor; he assured me that two-thirds of the property taken from us by the Indians, had been bought by them and others in the fort. The plundered property from Georgia was every day briskly bought by the commandant and others. I know one instance of an Indian making an engagement with the commandant for cattle that he was going then to plunder, and in 14 or 15 days brought them in and sold them. On our first arrival at St. Marks, we had by help of a friendly Indian, conveyed intelligence to our friends in Pensacola of our situation; and they sent us on a small vessel to effect our escape; at her arrival, the commandant said to us that he had no objection to our getting out of the power of the Indians but that he should first demand a written obligation that we should never return to that country, nor hold no communication, direct or indirectly, with the U. S government, or any of her officers; this being settled, we left St. Marks, on the night of the 28th March, and joined captain M'Keever in his gun boats, in the bay of Apalachicola; on the 30th returned with him to St. Marks, where we found general Jackson, on the 6th of April. Given under my hand the 24th July.

[Signed] WILLIAM HAMBLY.

No. 46. *a.*

W. Hambly and E. Doyle to General Jackson.

Fort Gadsden, 2d May, 1818.

SIR,

We beg leave to submit to you the following facts:

On the 13th December, 1817. we were violently torn from our settlement, on the Apalachicola river, by a number of Indians, headed by Chenubby, a chief of the Fowl Town tribe, carried to Mickasuky, and delivered to Kenagee, King of the Mecasukians, Kenagee carried us to the Negro Towns, on the Sewaney, and thence to the Spanish fort St. Marks, to the commandant of which, he delivered us as prisoners of war, captured under the orders of a Mr. Arbuthnott, reported to us a British agent. At St. Marks, we were treated as prisoners, and not permitted to wander beyond the walls of the garrison. While at that post, the ingress and egress of Indians, hostile to the United States, was unrestrained, and several councils were held, at one of which, Kenagee, king of *the Mickasukians*, *Francis or Hillis Hajo*, Hamathlemico, the chief of the Autesses, and the chief of Kolemies, all of the old Red Stick party, and Jack Mealy, chief of the Ochewas, were present; when it was reported, that these chiefs and their warriors, were entering fort St. Marks, for the purpose of holding a council, Hambly represented to the commandant, the impropriety of permitting such proceedings within the walls of a Spanish fortress, the officer of which was bound to preserve, and enforce the treaties existing between the king of Spain and the United States; he replied to Hambly with some degree of warmth, observing that it was not in his power to prevent it. On the Indians coming into the fort, at their request, we were confined. The council was held in the commandant's quarters. He, the commandant, was present; but strictly forbade the intrusion of any of the officers of the garrison. The Indians were in the habit of driving to fort St. Marks, and disposing of cattle to the commandant and other Spanish officers. While at that post, three or four droves were brought in, acknowledged by the Indians, to have been stolen from the citizens of the United States, and purchased by the Spanish officers. We were present at most of these contracts, and Hambly often referred to, as an interpreter between the purchaser and seller. Chenubby, a Fowl Town Indian, once applied to Hambly to mention to the commandant, that he was about visiting the frontiers of Georgia, on a plundering expedition, and wished to know whether he would purchase the cattle brought in. A contract was entered into, and Chenubby, some time after, brought in, and disposed of eleven head of cattle, to the Spanish commandant of fort St. Marks. These same cattle were those purchased by you, from the commandant, as his private property.

(Signed) WILLIAM HAMBLY,
EDWARD DOYLE.

No. 46. *b*.

J. Gadsden to General Jackson.

Fort Gadsden, May 3d, 1818.

SIR,

In conversation with the commandant of fort St. Marks, on the subject of having that work occupied by an American garrison, I had occasion to notice the aid and comfort, that the hostile party of Indians had received, as reported from him. That they had free access within the walls of his fort, and that it was well known, no small supplies of ammunition had been received from that quarter. In reply, he stated that his conduct had been governed by policy; the defenceless state of his work, and the weakness of his garrison, compelled him to conciliate the friendship of the Indians, to supply their wants, to grant what he had not the power to deny, and to throw open with apparent willingness, the gates of his fortress, lest they should be forced by violence; that he had been repeatedly threatened by Indians and negroes, and that his security depended upon exhibiting an external friendship. After fort St. Marks was occupied by the American troops, a black man and Spanish soldier, was reported to me, as having been arrested, clad in American uniform, recognized as part of the clothing of the 4th and 7th regiments, captured in the boat commanded by lieutenant Scott, in ascending the Apalachicola river.

In explanation the Spanish commandant observed, that his soldiers, and the Seminole Indians, were in the habit of trading with each other, and that this negro, with others of his garrison, had received his permission to purchase some clothing, reported to have been brought in by the Indians.

Respectfully your obedient servant,

(Signed) JAMES GADSDEN,
Aid-de camp.

Major General A. Jackson,
Commanding Southern Division U. S. Army.

No. 46. *c*.

Major Twiggs to General Jackson.

Fort Gadsden, 3d May, 1818.

SIR,

After the occupancy of Fort St. Marks with American troops, on the 7th April last, it became my duty to take charge of some goods found in one of the public stores.

These goods were pointed out by the Spanish commandant, who, through Mr. Hambly as interpreter, separated several of the articles claimed as his own private property, and designated others as the property of Francis, or Hillis Hajo, and Arbuthnott, a British agent, or trader. An inventory of these were taken, and deposited with the American officer left in command of Fort St. Marks.

With respect, &c.

(Signed) D. E. TWIGGS,
Brevet Major 7th Infantry.

I certify, that I acted as interpreter in the transaction above alluded to, and that two separate parcels of goods were designated by the Spanish commandant of St. Marks, as belonging to Hillis Hajo, and Arbuthnott.

(Signed) WM. HAMBLY.

No. 46. *d.*

J. R. Brooks and P. Cone to General Jackson.

We, the undersigned, do hereby certify, that at the capture of Fort St. Marks, East Florida, by major general A. Jackson, on the 7th April, 1818, there were some cattle purchased on account of the United States, and turned over to us, which we are of an opinion had been driven from the frontiers of Georgia; (a part of them at least;) and we were strengthened in our opinion, by a number of officers and men from Georgia, offering to swear to a number of them, as the property of their neighbors and friends.

Given under our hands at Fort Gadsden,
this 3d May, 1818.

(Signed) JACOB R. BROOKS,
Acting contractor's agent U. S. army.
PETER CONE,
Assistant Commissary.

No. 46. *e.*

A. F. Fraser and D. F. Sullivan to General Jackson.

We, the undersigned, officers and men of the Georgia militia, in the service of the United States, do hereby certify, that we were at fort St. Marks, East Florida, at the time of its capture by major general Andrew Jackson, on the 7th April, 1818, and saw some cattle that were purchased on account of the United States, from the Spanish authorities, which we were ready to swear to, as the property of our friends and neighbors in Georgia.

Given under our hands at Fort Gadsden, this 3d May, 1818.

[Signed] ANDREW F. FRASER, *Captain.*
DANIEL F. SULLIVAN, *G. M. S.*

No. 47. *a.*

A. Arbuthnott to Lieut. Col. Nicholls.

Nassau, N. P. August 26th, 1817.

SIR,

I am especially authorized to address you, by the chiefs of the Creek nation, whose names I affix to the present.

They desire it to be made known, that they have implicitly followed our advice, in living friendly with the Americans, who were their neighbors, and nowise attempted to molest them, though they have seen the Americans encroach on their territory, burning their towns, and making fields where their houses stood; rather than make resistance, they have retired lower on the peninsula. The town of Ecan Halloway, on the Chattahouche, where Otos Mico was chief, is the instance of the encroachments of the Americans. This town is situated under the guns of fort Gaines, and Mico was desired to submit to the Americans, or his town would be blown to atoms; rather than do this, he retired, is now living in the lower nation, and his fields, where the town stood, are ploughed up by the Americans.

They complain of the English government neglecting them, after having drawn them into a war with America; that the promise made them of sending people to reside among them, has not been kept; and if they have not some person or persons to reside in the nation, to watch over their interests, they will soon be driven to the extremity of the peninsula. You left Mr. Hambly, to watch over the interests of the Creek nation, but you had hardly left the nation, when he turned traitor, and was led by Forbes to take the part of the Americans: his letter [No. 47. *b.*] to me, of which I annex you a copy, will show you what lengths he would go, if he had the means. It is Hambly and Doyle, who gave the Indians all the trouble they experience; they send their emissaries among the Lower Creeks, and make them believe the Coubittes, aided by the Americans, are coming down on them; they send to the Coubittes, and report the Lower nation is arming against them; thus, both are put in fear, and their fields are neglected, and hunting is not thought of. I have endeavored to do away this fear, by writing to the chiefs of Coubitta town, that they ought to live on friendly terms with their brethren of the lower nation, whose wish it was to be on good terms with them, and not to listen to any bad talks, but to chase those that give them from among them. My letter was answered by them rather favorably; and I hope the talk that was sent to the Big Warrior, last June, will heal the differences between them.

Hidlis Adjo, arrived in my schooner at Okabokue sound, last June, and was well received by all the chiefs, and others, who came to welcome him home. In consequence of his arrival, a talk was held, the substance of which I put on paper for them, and it was sent, with a pipe of peace, to the other nations.

Hidlis Adjo, wished to return to Nassau with me, but I prevailed on him to stay with the nation, and keep them all at peace.

I am desired to return Hidlis Adjo's warmest acknowledgment for the very handsome manner in which you treated him in England, and he begs his prayers may be laid at the foot of his royal highness the prince regent. I left him, and all his family well, on the 20th of June.

Old Cappachimico, desired me to send you his best respects, and requests you will send him out some people to live among them, and all the land they took from Forbes shall be theirs; at all events, they must have an agent among them, to see that the Americans adhere to the treaty, and permit them to live unmolested on their own land. This agent should be authorized by his majesty's government, or he will not be attended to by the Americans.

In the Gazette of Georgia, the Americans report the Seminole Indians are continually committing murders on their borders, and making incursions into the state. These are publications tending to irritate the American government against the poor Indians; for, during the time I was in the nation, there was only one American killed; and he, with two others, was in the act of driving off cattle belonging to Boleck, chief of Sahawee; whereas, three men and a boy were

killed last June, by a party of cattle-stealers, while in their hunting camps; the boy they scalped; and one of Boleck's head men was killed on St. John's river, in July. The backwoods Georgians, and those resident on the borders of the Indian nation, are continually entering it, and driving off cattle. They have, in some instances, made settlements, and particularly on the Choctohache river, where a considerable number have descended.

By the treaty with Great Britain, the Americans were to give up to the Indians all the lands that may have been taken during the war, and place them on the same footing they were in 1811. It appears that they have not done so; that Fort Gaines, on the Chatahouchy river, and camp Crawford, on the Flint river, are both on Indian territory, that was not in possession of the Americans in 1811.

They are fearful, that, before any aid is given them by the English government, they will no longer be in possession of any territory. *I wrote last January to his excellency the Hon. Charles Bagot, representing the encroachments of the Americans, (as I was informed by the copy of a letter from the right Hon. Earl Bathurst, handed me by his excellency governor Cameron, that his majesty's ambassadors had recived orders to watch over the interests of the Indians.)* Since my return here I have received from Mr. Moodie, of Charleston, an extract of a letter from the honorable Charles Bagot, that the expense of postage is so considerable, any further communications of the same nature, must be sent him by private hands; now, Sir, as no person goes direct from this to Washington, how am I to be able to comply with this desire? Thus he will be kept ignorant of the real situation of the poor Indians, and the encroachments made on their lands by American settlers, while we may be told by the American government, that no encroachments have been made, and that the forts they still hold, are necessary, to cheek the unruly Seminoles; thus, the persons appointed to watch over the poor Indians, have no other means of information, than from the parties interested in their destruction, and from seeing from time to time, in the American states, accounts of cruel murders, &c. committed by the Indians on the frontier settlers of the United States, he apprehends the Indians merit all the Americans do to them. But let his majesty's government appoint an agent with full powers; and to correspond with his majesty's ambassador, at Washington, and his eyes will then be open, as to the motives that influence American individuals, as well as the government, in vilifying the Indians.

The powers given me, and the instructions, were to memorial his majesty's government as well as thegovernor general of Havana; and I fear that a memorial to the governor general would be of no use. Referring you to the enclosed, [No. 47. *b.*]

I remain most respectfully,

Your obedient servant,

[Signed] A. ARBUTHNOTT.

To Lieut. Col. Nicholls.

No. 47. *b.*

W. Hambly to A. Arbuthnott.

Extract of a letter, signed W. Hambly, received at Okolokue Sound, dated May, 1817.

SIR,

I am desired by the chiefs of the nation to request you will extricate yourself from among a band of outlaws, among whom you now are, for the arm of justice is lifted up against them, and it will, ere long, fall heavy upon them, you, and your property. They say they would have no objection to your settling any way, the west of Apalachicola river; but where you now are, you are among a set of outlaws; they have lately committed twenty most cruel murders on women and children, on the frontiers of the United States, and stolen 100 horses, and they say it is by your desire.

[Signed] W. HAMBLY.

Spanish Bluff, May 10th, 1817.

No. 47. *c.*

Signatures of the Chiefs of the Creek nation, to a power given to A. Arbuthnott, dated the 17th June, 1817.

Cappachimico,	Inhimathluchy,
Inhimathlo,	Lahoe Himathlo,
Charle Tustunaky,	Homathle Micho,
Otos Mico.	Talmuches Hatcho,
Ochacona Tustonaky,	Hillisajo,
Imathluche,	Opoithlimico.

Interpreter, PETER SHUGERT.

Approved of by

F. C. LUENGO,
Commandant of St. Marks.

No. 48.

Luengo to Arbuthnott.

Apalachia, 25th December, 1817.

Monsieur et Amy,

Les affaires entre les sauvages et les Americains et ant devenu de quelque consequence, et ne doutant que l'ovage viendra fraper par icy, je cregne pour vos petites objets; en consequence, je croi il est de vottre intere de ne pas diferer un moment les retirer d'icy. Se serai content de vous voir tant pour avoir le plaissir de vous embrasser, comme pour causser un peu sur les affaires politiques du jour, qu'il ne convienne dans les actueles circumstances les confie a la plumme, et en attendant cette satisfaction.

Suis avec ma pettite famille,

Monsieur, vottre tres affec'tte serv. et amy,

FRANC'O CASO Y LUENGO.

Monsieur A. Arbourknott,
Neg't, Sawanna.

(Translated copy.)

Appalachicola, 25th December, 1817.

Sir and Friend,

Affairs having assumed a serious aspect between the savages and the Americans, and not doubting that the storm will pass this way, I entertain apprehensions for the safety of your little objects, and believe it to be your interest, not to lose a moment in removing them from hence.

I shall be happy to see you, that I may have the pleasure of embracing you, and an opportunity of conversing with you on the politics of the day, which, under existing circumstances, it is improper to commit to paper. In the expectation of this pleasure, I am, with my little family,

Sir, your very affectionate servant and friend,

[Signed] FRANC'O CASO Y LUENGO.

No. 49.

Minutes of the proceedings of a special court, organized agreeably to the following order, viz:

Head Quarters, Division of the South,
Adjt. gen's. office, fort St. Marks,
April 26, 1818.

GENERAL ORDER.

The following detail will compose a special court, to convene at this post, at the hour of twelve, M. for the purpose of investigating the charges exhibited against A. Arbuthnott, Robert Christy Armbrister, and such others, who are similarly situated, as may be brought before it.

The court will record all the documents snd testimony in the several cases, and their opinion as to the guilt or innocence of the prisoners, and what punishment (if any) should be inflicted.

DETAIL.

Major general E. P. GAINES, *President.*

Members.

Colonel King, 4th infantry,
Colonel Williamson, Tennessee volunteers,
Lieut. Col. Gibson, Tennessee volunteers,
Major Muhlenberg, 4th infantry,
Major Montgomery, 7th infantry,
Captain Vashon, 7th infantry,
Colonel Dyer, Tennessee volunteers,
Lieut. Col. Lindsay, corps artillery,
Lieut. Col. Elliott, Tennessee volunteers,
Major Fanning, corps artillery,
Major Minton, Georgia militia,
Captain Crittenden, Kentucky volunteers.
Lieutenant J. M. Glassel, 4th infantry, *Recorder.*

An orderly will be detailed from Gen. Gaines' brigade, and the court will sit without regard to hours.

By order of major general Jackson,

(Signed) ROBERT BUTLER,
Adjutant General.

Fort St. Marks, April 26. 1818.

The court convened, pursuant to the foregoing order, when, being duly sworn in the presence of the prisoner, and he being asked if he had any objections to any member thereof, and replying in the negative, the following charges and specifications were read, viz:

Charges *vs.* A. Arbuthnott, now in custody, and who says he is a British subject.

Charge 1. Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnott, being a subject of Great Britain, with whom the United States are at peace.

Specification. That the said A. Arbuthnott, between the months of May and July, or some time in June, 1817, wrote a letter to the Little Prince, exhorting and advising him not to comply with the treaty of fort Jackson, stating, that the citizens of the United States were infringing on the treaty of Ghent, as he believed, without the knowledge of the chief magistrate of the United States, and advising the Upper and Lower Creeks to unite and be friendly, stating, that William Hambly was the cause of their disputes; also, advising the Little Prince, to write to the Governor of New Providence, who would write to his royal highness, the Prince Regent, through whom the United States would be called to a compliance with the treaty of Ghent, and advising them not to give up their lands, under the treaty of Fort Jackson, for that the American citizens would be compelled to give up to them, all their lands, under the treaty of Ghent.

Charge 2. Acting as a spy, and aiding, abetting, and comforting the enemy, supplying them with the means of war.

Specification 1. In writing a letter from St. Marks, fort, dated April 2, 1818, to his son, John, at Suwany, (marked A) detailing the advance of the army, under general Jackson, stating their force, probable movements and intentions, to be communicated to Bowlegs, the chief of the Suwany towns, for his government.

Specification 2. In writing the letters, (marked B) without date; and (C) with enclosures, January 27, 1818; and (D) called "a note of Indian talks;" and (E) without date, applying to the British government, through governor Cameron, for munitions of war and assistance for our enemies; making false representations, and also, applying to Mr. Bagot, British ambassador, for his interference, with a statement on the back of one of the letters, of munitions of war, for the enemy.

Charge 3. Exciting the Indians to murder and destroy William Hambly and Edmund Doyle, and causing their arrest, with a view to their condemnation to death, and the seizure of their property, on account of their active and zealous exertions to maintain peace between Spain, the United States, and Indians, they being citizens of the Spanish government.

Specification 1. In writing the letters (marked F) dated August 26, 1817; (G) dated May 13, 1817; and (H) threatening them with death, alleging against them false and infamous charges, and using every means in his power to procure their arrest, all which writings and sayings, excited, and had a tendency to excite, the Indians and negroes to acts of hostility with the United States.

By order of the court.

J. M. GLASSELL,
Recorder.

To which charges and specifications, the prisoner pleaded *not guilty.*

The prisoner having made application for counsel, it was granted him, when the court proceeded to the examination of the evidence.

John Winslett, a witness on the part of the prosecution, being duly sworn, stated, that some time before last July, the Little Prince received a letter, signed by a Mr. Arbuthnott, advising the upper part of the nation to unite with the lower chiefs in amity, and stating that the best mode for them to repossess themselves of their lands, would be, to write to him, (Arbuthnott) and he would send on their complaints to the governor of Providence, whence it would be forwarded to his Britannic majesty, and he would have the terms of the treaty of Ghent attended to; he moreover, stated his belief that the encroachments on the Indian lands, were unknown to the President of the United States. The witness also identified the signature of the letter of the prisoner to his son, (marked A) referred to in the first specification to the second charge, and heretofore noted as being the same with that sent to the Little Prince.

The witness, on being further interrogated, stated the language of the letter alluded to, to be, that the British government, on application, would cause to be restored to them their lands they held in 1811, agreeably to the terms of the treaty of Ghent.

Question by the Prisoner. Who is the Little Prince, or is he known by any other name?

Answer. He is known by the name of Tustenukee Hopoie, and is the second chief of the nation.

Question by the Prisoner. Where is the letter you allude to, or in whose possession?

Answer. It was left in the possession of the little prince, when I last saw it.

Question by the Prisoner. Has this Little Prince no other name than what you state?

Answer. Not that I know of.

Question by the Prisoner. Do you swear that the letter alluded to was addressed to the Little Prince?

Answer. I do not. It was presented me by the Little Prince to read and interpret for him, which I did.

Question by the Prisoner. Are you certain that the letter stated that the chief magistrate of the United States could have had no knowledge of settlements made on Indian lands, or injuries committed?

Answer. The letter stated that to be the belief of the writer.

John Lewis Phenix, a witness on the part of the prosecution, being duly sworn, stated, with regard to the 1st specification of the 2d charge, that being at Suwany, in the town, about the 6th or 7th of April, he was awakened early in the morning by Mr. Armbrister's receiving, by the hands of a negro, who got it from an Indian, a letter from St. Marks, at that time stated by Armbrister to be from the prisoner.

Question by the Prisoner. Did you see that letter, or hear it read?

Answer. I did see the paper, but did not hear it read.

Question by the Prisoner. Did you state that the letter was received by an Indian express?

Answer. So the black man that delivered it said.

A question being raised by a member of the court as to their jurisdiction on the 3d charge and its specification, the doors were closed, and after mature deliberation, they decided that this court are incompetent to take cognizance of the offences alleged in that charge and specification.

Peter B. Cook, a former clerk to the prisoner, and a witness on the part of the prosecution, being duly sworn, stated, that about December or January last, the prisoner had a large quantity of powder and lead brought to Suwany in his vessel, which he sold to the Indians and negroes; that subsequent to that time, which he cannot recollect, Armbrister brought for the prisoner in his (the prisoner's) vessel, nine kegs of powder, and a large quantity of lead, which was taken possession of by the negroes. The witness also identified the letters referred to in the foregoing charges and specifications marked A. B. C. D. E. F. G. and H., also, the power of attorney, No. 1, granted by the Indians to A. Arbuthnott, being the prisoner's handwriting.

Question by the court. Have you at any time within the last twelve months, heard any conversation between the prisoner and the chief called Bolegs, relating to the war betwen the United States and the Seminoles?

Answer. I heard the prisoner tell Bolegs, that he had sent letters to the prince regent, and expected soon to have an answer.—Some time afterwards, some of the negroes doubted his carrying those letters, when the prisoner stated that he had, but the distance being great, it would take some time to receive an answer.

By the court. State to the court, when, and where, you first saw the letter signed A. Arbuthnott, dated April 2, 1818, referred to in the first specification, and the second charge?

Answer. About the 6th of April, a black man who said he had

received it from an Indian, gave it to Mr. Armbrister, whom I saw reading it.

Question by the court. Do you know by what means that letter was conveyed to Suwany?

Answer. I understood by an Indian, who was sent from fort St. Marks.

Question by the court. Who paid the Indian for carrying the letter, referred to in the last interrogatory?

Answer. I do not know.

Question by the court. What steps were taken by the negroes and Indians, on the receipt of the letter?

Answer. They at first believed the bearer an enemy, and confined him, but learning the contrary began to prepare for the enemy, and the removal of their families and effects across the river; the Indians lived on the opposite side.

Question by the court. Did the Indians and negroes act together in the performance of military duty?

Answer. No. But they always said they would fight together.

Question by the court. Did not Nero command the blacks, and did not Bowlegs crown Nero, and was not the latter under the immediate command of Bowlegs?

Answer. Nero commanded the blacks, and was owned and commanded by Bowlegs; but there were some negro captains who obeyed none but Nero.

Question by the court. What vessel brought to Suwany the ammunition, which you said was sold by the prisoner to the Indians and negroes?

Answer. The schooner Chance, now lying at the wharf; she is a fore-topsail vesssel, belonging to the prisoner.

The witness also identified the manuscript of the prisoner, in a paper granting him full power to act in all cases for the Indians, numbered 1; and also a letter without signature, to the governor of St. Augustine, numbered 2; further a letter without date to Mr. Mitchell, Indian agent, numbered 3; and an unsigned petition of the chiefs of the Lower Creek nation, to governor Cameron, praying his aid in men and munitions of war, numbered 4—all of which the witness stated to be in the hand writing of the prisoner.

The court then adjourned, to meet to-morrow morning, at seven o'clock.

Fort St. Marks, 27th April, 1818.

The court convened pursuant to adjournment. Present,

Major General E. P. GAINES, *President.*

Members.

Col. King,	Lt. Col. Gibson,
Col. Williamson,	Major Muhlenberg,

Major Montgomery,	Lieut. Col. Elliott,
Capt. Vashon,	Major Fanning,
Col. Dyer,	Major Minton,
Lieut Col. Lindsay,	Captain Crittenden.

Lieutenant J. M. GLASSELL, *Recorder.*

When the further examination of the witness, Cook, took place, viz:

Question by the prisoner. How long have you been acquainted with the settlement on the Sahwahnee?

Answer. Between six and seven months.

Question by the prisoner. For what term of years did you engage to live with the prisoner?

Answer. For no stated period; I was taken by the year.

Question . Were you not discharged by the prisoner, from his employ?

Answer. He told me he had no further for me, after I had written the letters to Providence.

Question. Where did you stay after you were discharged?

Answer. I staid in a small house belonging to a boy, called St. John, under the protection of Nero.

Question. What was the subject matter of the letters you wrote to Providence?

Answer. After being refused by the prisoner a small venture to Providence, I wrote to my friends for the means to trade by myself.

Question. Do you believe the prisoner had knowledge of the venture being on board the schooner?

Answer. I do not believe he did; it was small, and in my trunk.

Question. Do you know that Armbrister was the agent of the prisoner?

Answer. I do not.

Question. Do you think that the powder and lead shipped, would more than supply the Indians and negro hunters?

Answer. I did not see the powder and lead myself, but was told by Bowlegs that he had a great quantity; he had three kegs, keeping to fight with.

Question. Did the Indians reside on the east side of the river?

Answer. They did.

Question. You were asked of the negroes and Indians, when the letter marked A was communicated, if they did not take up arms; had they received information of the defeat of the Indians at Mickasuky, prior to this date?

Answer. It was afterwards, I believe, that they received the information.

Question. Did not Bowlegs keep other powder than that got from the prisoner?

Answer. He had some he got from the Bluff, which was nearly done; he said his hunters were always bothering him about powder.

Question. Did you state that, at the time Armbrister ascended the river, there was no other vessel at the mouth of the river?

Answer. There was none other there; there was one had sailed.

Question. There is a letter A, spoken of, how do you know that the son of the prisoner had that letter in his possession?

Answer. I saw him with it, which he dropped; and a boy called John, picked up and gave it to me.

Question. You stated that the Indians and negroes doubted the fidelity of the prisoner, in sending letters to the prince regent; do you think that the prisoner would have been punished by them, had he not complied with their wishes?

Answer. I do not know.

Question. Do you believe that the prisoner was compelled to write the Indian communications?

Answer. He was not compelled.

William Hambly, a witness on the part of the prosecution, being duly sworn, and commencing a statement of what he heard the chiefs say, and the prisoner objecting to hearsay evidence of that kind, the court was cleared, in order to take the question; when it was decided, that the prisoner's objection was not valid. The witness was therefore re-called, and stated, that fifteen or twenty days after the prisoner's arrival at Ochlochnee, the Seminole Indians began to steal horses from the United States' settlements, and commit murders on the Satilla river, which he was informed by them, was at the instigation of the prisoner.

The chiefs of the little villages, in the witness's neighborhood, then desired him to write a few lines to the prisoner, stating those reports, and that he did not know that those Indians he was exciting, had long been outlawed, and caution him against such proceedings, or he might be involved in their ruin; this the witness did, when the prisoner wrote him a long and insulting letter, which was lost; upbraiding the witness, for calling those Indians outlaws, and accusing him of exciting the Indians to civil war. The witness was told by all chiefs and Indians, who had seen the prisoner, that he advised them to go to war with the United States, if they did not surrender them the lands which had been taken from them, and that the British government would support them in it.

The Indians that took the witness, and a Mr. Doyle, prisoners, which happened on the 13th December last, told them it was by the prisoner's order; and on their arrival at Mickasuky, (as prisoners) Kenhagee, and all his chiefs, told them, it was by the prisoner's orders they were taken and robbed. On their arrival at Suwany, they were told by the Indian and negro chiefs, who set in council over them, that the prisoner had advised he should be given up to five or six Choctaw Indians, who were saved from the negro fort, who would revenge themselves for the loss of their friends at that place. On their return from Suwany, the chief Kenhagee, told them, that he had got the prisoner to write several letters for

him; one to the governor of Providence; one to the British minister at Washington; one to the secretary of state in London; and one to the American agent for Indian affairs, protesting against the proceeding of the commanding officer at fort Scott. While the witness was at Suwany, the Indian chiefs told him that the prisoner had arrived at that place, with ten kegs of powder on board of his vessel, and while in fort St. Marks, sometime in March, Hillishajo, or Francis, brought an order from the prisoner to the commandant, for two kegs of powder, with other articles, which were in his possession.

Question by the court. Were any murders or depredations committed on the white settlement by the Indians, previous to the prisoners arrival at Ocklochnee?

Answer. None except one murder near fort Gaines, which was before or about the time of the prisoner's arrival.

Question. How long have you resided among the Indians; state to the court whether you are acquainted with the Indian language, and how long since you learned it?

Answer. I have resided among them 14 years, and have understood their language 12 years.

Question. Do you believe the Seminoles would have commenced the business of murder and depredation on the white settlements, had it not been at the instigation of the prisoner, and a promise on his part of British protection?

Answer. I do not believe they would, without they had been assured of British protection.

Question by the court. What was the light in which the prisoner was viewed by the hostile Seminoles? Was it that of an authorized agent of the British government?

Answer. The different chiefs always represented him to me as such.

The witness recognized the letter marked G, and signed A. Arbuthnott, as being a copy of the one alluded to in his testimony, as lost.

Question by the President. Are you acquainted with the prisoner's hand writing?

Answer. I have seen it, but cannot say I am acquainted with it.

Question. Is that which you have just seen, and say is the copy of the one you lost, the prisoner's hand writing?

Answer. It looks to be his hand writing; but I cannot say positively.

Question. Was the prisoner considered as the agent of the Seminoles, at the time those murders were committed?

Answer. I had not seen the prisoner at that time; the Indian chiefs told me that the prisoner had reported himself to them as an English agent.

Question. Where did you understand the prisoner to be, when you were taken prisoner?

Answer. The Indians told us that he had gone over to Provi-

dence, but was expected back by the time we should arrive at Suwany.

Question. Did you not request Kenhagee, to prevail upon the prisoner to give you a passage in his schooner to Providence?

Answer. Yes; but was told that the prisoner refused it, stating that if we were forced upon him, he would blindfold us and make us walk overboard.

Question What were the reasons given by Kenhagee, for the prisoner's not granting your request?

Answer. Kenhagee stated that the prisoner was fearful of meeting with an American vessel, when we should be taken out and he thereby lose his schooner.

Edmund Doyle, a witness on the part of the prosecution, being duly sworn, was questioned as follows:

Question by the Judge Advocate. Do you know any thing that would tend to substantiate the charges against the prisoner now before you?

Answer. I know nothing but from common report.

William S. Fulton, an evidence on the part of the presecution, being duly sworn, testified the copy of a letter from A. Arbuthnott, to general Mitchell, agent for Indian affairs, dated Suwany, 19th January, 1818, and marked No. 6, as acknowledged by the prisoner, to be the same in substance, as one written by himself at that time; an extract from that letter was then read to the court.

Question by the President. Where did the prisoner acknowledge the letter just read, to be a copy of the one written by himself?

Answer. In the encampment before this place, about the 6th or 7th instant.

Question. Was not the acknowledgment made when he was a prisoner?

Answer. It was.

Question by the President. Did you hear a gentleman say to the prisoner, whilst in custody, that those who recommended the scalping knife and tomahawk, should feel their keenest edge?

Answer. I did hear a gentleman say, that those who excited the Indians to the murder of the unoffending, should feel the keenest edge of the scalping knife; but as well as I recollect, that observation was not made until after the repeated acknowledgments of the prisoner, of having written the letter.

Question by the court. Was not the confession of the prisoner to this letter made voluntarily and without any constraint whatever?

Answer. I conceive it was.

The evidence on the part of the prosecution being closed, the prisoner requested as a witness, Robert C. Armbrister, as one of his witnesses, against whom criminal charges had been filed, and who was in custody on account thereof; to which the judge advocate objecting, the court was cleared to take its sense—when it was decided

that Robert C. Armbrister, now in custody for similar offences with the prisoner, cannot be examined as evidence before the court.

John Lewis Phenix, a previous witness, now on the part of the prisoner, being again sworn, was questioned as follows, viz:

Question by the Prisoner. Was there any other vessel at the mouth of the Suwahnee river, when Armbrister seized your schooner?

Answer. Yes.

Question. What vessel was it? Was it not the vessel which Armbrister came in?

Answer. It was a sloop, and I understand Armbrister came in her.

Question. Did Armbrister ever mention to you, who recommended him to seize the prisoner's schooner, or who assisted him in stimulating the negroes to do so?

Answer. No. I understood he came on board of his own accord.

Question by the Court. Have you, since you commanded the prisoner's vessel, ever brought any arms to that part of the country?

Answer. No. I brought a quantity of lead and ten kegs of powder in the last trip.

John Winslett, a former witness on the part of the prosecution, being recalled on the behalf of the prisoner, was questioned as follows, viz:

Question by the Prisoner. Are you not of opinion that the letter which you say was written by the prisoner to the Little Prince, is now in the possession of the Little Prince?

Answer. After reading it I returned it to him, and I believe it to be still in his possession, as Indians seldom destroy papers of that kind.

The prisoner requesting some time to make up his defence; he was given until to-morrow evening, at 4 o'clock.

Fort St. Marks, 28th of April, 1818, 4 o'clock, P. M.

The recorder having read over the proceedings of the court with closed doors, the prisoner was recalled into court, and made the defence marked K, and attached to these proceedings. The doors were then closed, and after the most mature deliberation on the evidence adduced, the court find the prisoner, *Alexander Arbuthnott*, guilty of the first specification to the first charge, and guilty of the first char-

guilty of the first and second specifications to the second charge, and guilty of the second charge, leaving out the words "acting as a spy." They therefore do, on the most mature reflection, sentence the prisoner, *Alexander Arbuthnott*, to be suspended by the *neck, until he is dead*, two-thirds of the court concurring therein.

(Signed) EDMUND P. GAINES,
Major General by Brevet,
President of the Court.

(Signed) J. M. GLASSEL,
Recorder.

A.

From A. Arbuthnott to his son, John Arbuthnott.

Fort St. Marks, 2d April, 1818,
9 *o'clock—Morning.*

DEAR JOHN,

As I am ill able to write a long letter, it is necessary to be brief: before my arrival here, the commandant had received an express from the governor of Pensacola, informing him of a large embarkation of troops, &c. under the immediate command of general Jackson, and the boat that brought the despatch, reckoned eighteen sail of vessels off Appalachacola. By a deserter that was brought here by the Indians, the commandant was informed that 3000 men, under the orders of gen. Jackson; 1000 foot and 1600 horse, under gen. Gaines; 500 under another general, were at Prospect Bluff, where they were rebuilding the burnt fort; that 1000 Indians of different nations, were at Spanish Bluff, building another fort, under the direction of American officers; that so soon as these forts were built, they intended to march. They have commenced. Yesterday morning advice was received that they had appeared near —— and taken two of the sons of M'Queen, and an Indian; late in the afternoon, three schooners

came to anchor at the mouth of this river, and this morning the American flag is seen flying on the largest.

I am blockaded here, no Indians will come with me; and I am now suffering from the fatigue of coming here alone.

The main drift of the Americans is to destroy the black population of Sahwahnee. Tell my friend Boleck, that it is throwing away his people to attempt to resist such a powerful force as will be down on Sahwahnee, and as the troops advance by land, so will the vessels by sea. Endeavor to get all the goods over the river in a place of security, as also the skins of all sorts; the corn must be left to its fate. So soon as the Sahwahnee is destroyed, I expect the Americans will be satisfied and retire; this is only my opinion, but I think it is conformable to the demand made by general Gaines, of Kenhigee, some months since; in fact, do all you can, to save all you can; save the books particularly. It is probable the commandant will receive some communication from the vessels to-day, when he will know more certainly what are their motives in coming off the fort. I think it is only to shut up the passage to the Indians. Twenty canoes went down the river yesterday, and were forced to return. The road between this and Mickasuky is said to be stopped. Hillisajo and Himathlo Mico were here late last night, to hear what vessels. They will remove all their cattle and effects across St. Mark's river this morning, and perhaps wait near thereto for the event.

I have been as brief as I can, to give you the substance of what appears facts, that cannot be doubted; to enter into details in the present moment, is useless; if the schooner is returned, get all the goods on board of her and let her start off for Mannatee creek, in the bottom of Cedar Key bay. You will then only have the skins to hide away. But no delay must take place; as the vessels will no doubt follow the land army, and perhaps even now, some are gone round. I pray your strictest attention, for the more that is saved, will be eventually more to your interest. Let the bearer have as much calico, as will make him two shirts, for his trouble. He has promised to deliver this in three, but I give him four days.

I am yours, affectionately,

(Signed) A. ARBUTHNOTT.

B.

From A. Arbuthnott, to Charles Cameron, Governor Bahamas.

SIR,

Being empowered by the chiefs of the Lower Creek nation, to represent the state of their nation to your excellency, that you may be

pleased to forward the same for the information of his majesty's government, to whom alone they look up for protection, against the aggressions and encroachments of the Americans, I beg leave to submit to your excellency, the enclosed representations, humbly praying that your excellency will be pleased to take an early opportunity of forwarding the same to Great Britain.

I am also instructed by Bowleck, chief of Sahwahnee, to make the demand herein enclosed, he never having had any share of the presents distributed at Prospect Bluff, though he rendered equally essential services, as any of the other chiefs, to the British cause, while at war with America; and was at New Orleans with a part of his warriors. His frontiers being more exposed to the predatory incursions of the back Georgians, who enter his territory and drive off his cattle, he is obliged to have large parties out to watch their motions, and prevent their plundering; and being now deficient of ammunition, he prays your excellency will grant his small demand. Humbly submitting the same,

I have the honor to remain your excellency's

Most humble servant,

(Signed) A. A.

The humble representations of the chiefs of the Creek nation.

To his Excellency Governor Cameron.

First, we beg leave to represent, that Edmund Doyle and William Hambly, lately clerks at Prospect Bluff, to Messrs. Forbes, and who still reside on the Appalachicola river, we consider as the principal cause of our present troubles and uneasiness. Hambly was the instrumental cause of the fort at Prospect Bluff being destroyed by the Americans, by which we lost the supplies intended for our future wants; since then both these men have kept emissaries among us, tending to harrass and disturb our repose, and that of our brethren of the middle and upper nation; they spread among us reports that the Cowhettes, aided by the Americans, are descending to drive us off our land, they equally propagate false.

C.

From A. Arbuthnott, to Benjamin Moodie, Esq. enclosing letters to Charles Baggott, Esq. British minister at Washington.

Sahwahnee, in the Creek Nation,
27th January, 1818.

SIR,

The enclosed, containing matter of serious moment, and demanding the immediate attention of his excellency the British ambassador, I trust he will, for this time, forgive the trifling expense of postage, which I have endeavored to prevent as much as possible, by comprising *much matter* in one sheet of paper. Should you, sir, be put to any trouble or expense by this *trouble* I give you, by being made acquainted with the same, I will instruct Bain Dunshee & Co. to order payment of the same.

I have the honor to be, sir,

Your most obedient humble servant,

(Signed) A. ARBUTHNOTT.

From A. Arbuthnott to the honorable Charles Bagot.

SIR,

It is with pain I again obtrude myself upon your excellency's notice; but the pressing solicitations of the chiefs of the Creek nation, and the deplorable situation in which they are placed, by the wanton aggressions of the Americans, I trust your excellency will take as a sufficient apology for the present intrusion.

In August last, the head chief of the Seminole Indians, received a letter from general Gaines, of which I have taken the liberty of annexing your excellency the contents, as delivered me by the chief's head English interpreter, with Kenhigee's reply thereto.

This letter appears to have been intended to sound the disposition of the chief, and ascertain the force necessary to overrun the nation, for from then, until an actual attack was made on Fowltown, the same general, with general Jackson, seem to have been collecting troops, and settlers in various quarters.

If your excellency desire to have further information, respecting the situation of this country and its inhabitants, I can, from time to time, inform your excellency of such facts and circumstances, as are stated to me, by chiefs of known veracity, or which may come under my own observation; and your excellency's orders, addressed to me at New Providence, will either find me there, or be forwarded me to this country.

With great respect, I have the honor to be,

Your excellency's most obedient servant,

(Signed) A. A.

[The following memorandum was on the back of the foregoing letter:]

Kenhigee 1000, Boleck 1500, Oso Hatjo Choctawhatchy 500, Himashy Mico Chattehouchy 500, at present with Hillisajo—At present under arms 1000 and more—and attacking those Americans who have made inroads into their territory.

A quantity of gunpowder, lead, muskets and flints, sufficient to arm one thousand to two thousand men.

Muskets 1000, more smaller pieces, if possible.

10,000 flints, a proportion for rifle put up separate.

50 casks gunpowder, a proportion for rifle.

2,000 knives, six to nine inch blade, good quality.

1,000 tomahawks—100 lbs. vermillion.

2,000 lbs. lead, independent of ball for musket.

(Signed) KENHIGEE.
BOLECK.

From General Gaines to the Seminoly Chiefs.

To the Seminoly Chiefs.

Your Seminoly's are very bad people; I don't say whom; you have murdered many of my people, and stolen many cattle, and many

good houses that cost me money, you have burnt for me; and now that you see my writing, you will think I have spoken right. I know it is so, you know it is so, for now you may say I will not go upon you at random; but just give me the murderers, and I will show them my law, and when that is finished and passed, if you will come about any of my people, you will see your friends, and if you see me, you will see your friend. But there is something out in the sea, a bird with a forked tongue, whip him back before he lands, for he will be the ruin of you yet; perhaps you do not know who or what I mean—I mean the name of Englishman.

I tell you this, that if you do not give me up the murderers who have murdered my people, I say I have got good strong warriors, with scalping knives and tomahawks. You harbor a great many of my black people among you, at Suwahnee. If you give me leave to go by you, against them, I shall not hurt any thing belonging to you.

(Signed) GENERAL GAINES.

From Kenhigee to General Gaines, in answer to the foregoing.

To General Gaines,

You charge me with killing your people, stealing your cattle, and burning your houses. It is I that have cause to complain of the Americans. While one American has been justly killed, while in the act of stealing cattle, more than four Indians have been murdered while hunting, by those lawless freebooters. I harbor no negroes. When the Englishmen were at war with America, some took shelter among them, and it is for you white people to settle those things among yourselves, and not to trouble us with what we know nothing about. I shall use force to stop any armed Americans from passing my towns or on my lands.

(Signed) KENHIGEE.

D.

"Note of Indian talks."

In August, Capp had a letter from general Gaines, in substance as annexed, No. 1; and returned the answer as by No. 2. Nothing further was said on either side. The end of October, a party of

Americans from a fort on Flint river, surrounded Fowl Town, during the night, and began burning it; the Indians then in it, fled to the swamp, and in their flight had three persons killed by fire from the Americans; they rallied their people and forced the Americans to retire some distance, but not before they had two more persons killed. The Americans built a blockhouse, or fort, where they had fallen back to, and immediately sent to the forts up the country for assistance, stating the Indians were the aggressors. One of those letters falling into the hands of general Mitchell, he made inquiry, and found his people were the aggressors, and also settled with Inhemathlo for the loss his people had suffered; at the same time, sending a talk to Kenhigee, by a head man, Opony, that he would put things in such a train as to prevent further encroachments, and get those Americans to leave the forts. But no sooner was this good talk given, and before the bearer of it returned home, than hundreds of Americans came pouring down on the Indians. Roused to a sense of their own danger, they flew to arms, and have been compelled to support them ever since. It is not alone from the country, but by vessels entering Appalachicola river; troops, and settlers are pouring into the Indian territory, and if permitted to continue, will soon overrun the whole of the Indian lands.

From the talk sent Kenhigee, by Gen. Mitchell, I am in hopes that those aggressions of the Americans on the Indian territory, are not countenanced by the American government, but originate with men devoid of principle, who set laws and instructions at defiance, and stick at no cruelty and oppressions to obtain their ends. Against such oppressors the American government must use not only all their influence, but if necessary, force, or their names must be handed down to posterity, as a nation more cruel and savage to the unfortunate aborigines of this country, than ever were the Spaniards, in more dark ages, to the natives of South America.

The English government, as the special protectors of the Indian nations, and on whom alone they rely for assistance, ought to step forward and save those unfortunate people from ruin; and as you, Sir, are appointed to watch over those interests, it is my duty as an Englishman, and the only one in this part of the Indian nation, to instruct you of the talks the chiefs bring me for your information, and I sincerely trust, Sir, you will use the powers you are vested with for the service and protection of those unfortunate people who look up to you as their saviour. I have written general Mitchell, who I learn is an excellent man, and as he acts as Indian agent, I hope his influence will stop the torrent of innovators and give peace and quietness to the Creek nation.

I pray your excellency will pardon this intrusion, which nothing but the urgency of the case would have induced me to make.

I have the honor to be,

Your Excellency's most obedient serv't.

[Signed] A. A.

E.

From Chappichimicco and Bowleck, to Governor Camerón.

To his Excellency Governor Cameron,

It is with pain we are again obliged to obtrude ourselves on your excellency's notice, in consequence of the cruel war we have been forced into, by the irruption of the Americans, into the heart of our lands. It will be first necessary to state to your excellency, that one head chief, Kinghijah, received a letter from general Gaines in August last, a copy of what is enclosed, with the answer returned thereto. This letter only appears to have been a prelude to plans, determined on by the said general and general Jackson; to bring on troops and settlers to drive us from our lands, and take possession of them; for in the end of October, a party of Americans surrounded Fowl Town during the night, and in the morning began setting fire to it; making the unfortunate inhabitants fly to the swamp, and who in their flight, had three persons killed by the fire of the Americans. Our Indians rallying, drove the Americans from the town, but in their exertions, had two more of their people killed. The Americans retired some distance, and built a fort or block house to protect themselves, until the assistance they had sent for to the forts, up the country, should arrive. A letter falling into the hands of general Mitchell, the Indian agent, which stated the Indians to have been the aggressors; he suspected its truth, and on inquiry, found it was the reverse; in consequence, he made satisfaction to Inhemathlo, the chief of Fowl Town, and his people, for the injuries and losses they had sustained; at the same time he desired a talk to be sent to our head chiefs, stating his wish to see all the Indians friends, and that in twenty days, he would send and get the Americans to retire from the forts. But this had no effect on the lawless invaders of our soil, for before the bearer of the talk could return home, he met hundreds of Americans descending on us; they have also settlers and troops which come from Mobile, and go up the Appalachicola river; thus seeing no end to those invaders, necessity compelled us to have recourse to arms, and our brethren are now figh ing for the land they inherited from their fathers, for their families and forces. But what will our exertions do without assistance; our sinews of war are almost spent; and harrassed, as we have been for years, we have not been able to lay by the means to provide for our extraordinary wants, and to whom can we look up to for protection and support, but to those friends who have at all former times held forth their hands to uphold us, and who have sworn in their late treaty with the Americans, to see our just rights and privileges respected and protected from insult and ag-

gression? We now call on your excellency, as the representative of our good father, King George, to send us such aid in ammunition, as we are absolutely in want of; and as our brother chief, Hillisajo, was informed, when in England, that when ammunition was wanted to enable us to protect our just rights, that your excellency would supply us with what was necessary. We have applied to the Spanish officer at the fort of St. Marks; but his small supply prevents his being able to assist us, and we have only on your excellency to depend. We likewise pray your excellency would be pleased to send an officer or person to lead us right, and to apportion the supply you may be pleased to send us, agreeably to our proper wants.

In praying your excellency will lend an ear to our demand, and despatch it without delay,

We remain your excellency's faithful,

And most obedient friends and servants,

[Signed] CAPPACHEMICCO,
BOLECK,

For ourselves, and all the other Chiefs of the lower Creek Nation.

F.

Letter from A. Arbuthnott to Col. Edward Nicholls.

Nassau, N. P. 26th August, 1817.

SIR,

Especially authorized by the chiefs of the Lower Creek nation, whose names I affix to the present, I am desired to address you, that you may lay their complaint before his majesty's government. They desire it to be made known, that they have implicitly followed your advice in living friendly with the Americans, who were their neighbors, and nowise attempted to molest them: though they have seen the Americans encroach on their territory, burning their towns, and making fields where their houses stood, on the Chattahouche, rather than make resistance, they have retired lower in the peninsula. The town of Echallaway, where Otis Micco was chief, is one instance of the encroachments of the Americans; this town is situated unker the guns of

fort Gaines and Micco was desired to submit to the Americans, or his town would be blown to atoms; rather than do so, he retired, and is now living in the lower nation, and his fields, and even where the town stood, is ploughed up by the Americans. They complain of the English government neglecting them, after having drawn them into a war with America; that you, sir, have not kept your promise, of sending people to reside among them; and that if they have not some person or persons, resident in the nation, to watch over their interest, they will soon be driven to the extremity of the peninsula. You left Mr. Hambly, to watch over the interest of the Creek nation; but you hardly left the nation, when he turned traitor, and was led by Forbes to take the part of the Americans; his letter to me, of which I annex you a copy, will show you what lengths he could go, if he had the means. It is Hambly and Doyle, who give the Indians all the trouble they experience; they send their emissaries among the Lower Creeks, and make them believe the Cowhettas, aided by the Americans, are arming against them; thus both are put in fear, and their fields are neglected, and hunting is not thought of. I have endeavoured to do away this fear, by writing the chief of the Cowhetta towns, that they ought to live on friendly terms, with their brethren of the lower nation, whose wishes were to be on good terms with them, and not to listen to any bad talks, but to chase those, that give them, from among them. My letter was answered by them rather favorably, and I hope the talk that was sent to the big warrior last June, will heal the difference between them.

Hillisajo arrived in my schooner at Oclocknee sound last June, and was well received by all the chiefs, and others who came to welcome him home. In consequence of his arrival a talk was held, the substance of which I put on paper for them, and it was sent with a pipe of peace to the other nations. Hillisajo wished to return to Nassau with me, but I prevailed on him to stay in the nation and keep them all at peace. I regret, sir, to notice, this good man's affairs, though by his desire: it appears that he arrived in Nassau a short time after I had left it in January, and captain W. being here, took charge of him, his goods and money, prevailing on the governor to let him stay with him until he went down to the nation, which it was his intention to do. Of the money received of governor Cameron, he had only given him eighty dollars, by captain W. a barrel of sugar, a bag of coffee, and a small keg of rum; and the interpreter, Shugart, informed me, that when Hillisajo asked for an account, captain W. refused it, saying it would be useless to a man who could not read. He also misses two cases, one of which contained he thinks crockery; I have made inquiry of his majesty's ordnance store keeper, and he informs me the whole were delivered to captain W.; they are therefore lost to Hillisajo.

I am desired to return Hillisajo's warmest acknowledgments for the very handsome manner you treated him in England, and he begs his prayer may be laid at the foot of his royal highness, the

prince regent. I left him and all his family well, on the twentieth of June. Old Cappachimicco desires me to send his best respects, and requestst hat you would send out some people to live among them, and all the land they took from Forbes, shall be theirs. At all events they must have an agent among them, to see that the Americans adhere to the treaty, and permit them to live unmolested on their own lands. This agent should be authorized by his majesty's government, or he will not be attended to by the Americans. In the gazettes of Georgia, the Americans report the Seminole Indians are continually committing murders on their borders, and making incursions into the state. These are fabrications tending to irritate the American government against the poor Indians; for during the time I was in the nation, there was only one American killed, and he, with two others, were in the act of driving off cattle, belonging to Boleg, chief of Suwany, whereas three men and a boy were killed last June, by a party of American cattle-stealers, while in their hunting camps; the boy they scalped, and one of Boleg's head men was killed on St. John's river, in July. The backwood Georgians, and those resident on the borders of the Indian nation, are continually entering it, and driving off cattle. They have in some instances made settlements, and particularly on the Choctohachy river, where a considerable number have descended.

By the treaty with Great Britain, the Americans were to give up to the Indians, all the lands that may have been taken from them during the war, and place them on the same footing they were in 1811. It appears they have not done so; that Fort Gaines on the Chatahoochy river, and Camp Crawford on the Flint river, are both on Indian territory that was not in possession of the Americans, in 1811. They are fearful that before any aid is given by the English government, they will be no longer in possession of any territory.

I wrote last January to his excellency the Hon. Charles Bagot, respecting the encroachment of the Americans; as I was informed by the copy of a letter from the right honoroble earl Bathurst, handed me by his excellency governor Cameron, that his majesty's ambassador had received orders to watch over the interests of the Indians. Since my return here, I have received of Mr. Moodie, of Charleston, an extract of a letter from the honorable Charles Bagot, that the expense of postage is so considerable, any further communications of the same nature, must be sent him by private hands. Now, sir, as no person goes from this direct to Washington, how am I to be able to comply with his desire? Thus he will be kept ignorant of the real situation of the poor Indians, and the encroachments daily made on their lands by American settlers, while he may be told by the American government that no encroachments have been made, and that the forts they still hold, are necessary to check the unruly Seminoles. Thus the person appointed to watch over the interest of the Indians, having no other means of information, than from the parties interested in their destruction, and seeing from time to time in the American

gazettes, accounts of cruel murders, &c. &c. on the frontier settlements of the United States, he apprehends the Indians merit all the Americans do to them.

But let his majesty's government appoint an agent with full powers and to correspond with his majesty's ambassador at Washington, and his eyes will then be opened as to the motives that influence American individuals as well as the government, in vilifying the Indians. The power given me, and the instructions were, to memorial his majesty's government as well as the governor general of Havanna, but if you will be pleased to lay this letter before his majesty's secretary of state, it will save the necessity of the first, and I fear that a memorial to the governor general would be of no use. Referring you to the answer,*

I am most respectfully, sir,

Your obedient servant,

[Signed] A. ARBUTHNOTT.

Lieut. col. Edward Nicholls.

G.

From A. Arbuthnott to William Hambly.

Ocklocknee Sound, 3d May, 1817.

SIR,

On my return here this day I received a letter, signed by you, and dated 23d March. As you therein take the liberty of advising me *as you say*, by order of the chiefs of the Creek nation, I am glad of, and shall embrace this opening you give me, and reply to you at some length. First, sir, let me premise, that when you lived at Prospect Bluff, a clerk to Messrs. Forbes and Co. you did not consider Cappachimicco, M'Quin, or any other of the chiefs of the lower Creek nation, as outlaws, nor have they ever been considered as such by the English government, who are the especial protectors of the Indian nations; and it ill becomes Mr. Hambly to call Cappachimicco an outlaw; that man who has ever been his friend, and by his authority

[* See the unsigned paper, No. 71.]

has prolonged his life. Yes, sir, the young chiefs and warriors of the Creek nation, considering you as the chief cause of their troubles would have long ere this had possession of you, and perhaps, with your life, made you pay the forfeit for the injuries heaped on them, had not that man, who has been your friend from your early youth, stepped in as your protector. Yet, this is the man whom Mr Hambly presumes to call an outlaw. A pardoned villian when going to the gallows, would bless the hand that saved his life; but Mr. Hambly blasphemes his savior.

As Mr. Hambly's generous friend is the principle cause of my being in this country, as an honest man, I shall endeavor to fulfil my promise to him and the other chiefs. The guilty alone have fear; an honest and upright man dreads no dangers, fears no evil, as he commits no ill; and your arm of justice ought to be applied, where it would rightly fall on the head of the really guilty. Your mean and vile insinuation that I have been the cause of thefts and murders, comes ill from he who has been the cause of the murder of hundreds. Though your usage was made villanous at the fort, yet your revenge was too savage and sanguinary. If your conduct, sir, to the Indians, were guided by as pure motives as mine, you would endeavor to influence them, to esteem and respect each other as brothers, and live in harmony and friendship, cultivating their lands in summer, and taking their diversions of hunting in winter, respecting their neighbors, and making yourself respected by them. If thus, sir, you would act, (and by your knowledge of their language, you have much more in your power than any other man,) you would then be the true friend of the Indians. Were I an instigator to theft and murder, would I hold the language I have done, to the chiefs and others who have called on me? Ask the lieutenant commanding at Fort Gaines, if my letter to him breathed the strains of a murderer? Ask Opoy Hatcho, or Dany, his interpreter, if the recommendatory note I sent him by order of Opony, could be written by an instigator to murder? Ask Opony himself, if my language to him was that of a murderer? Ask Mappalitchy, a chief, residing among the Americans in Oakmulgee, if my language and advice to him, savored of that of a murderer? All those, and every Indian who have heard my talks, will contradict your vile assertions.

But Mappalitchy has given me a clue by which I can unravel from whence the aspersions comes. Not from Opony, Hatcho, or any of the chiefs of the upper towns, but from he who endeavors to lead them to mischief and quarrels with each other. Did not the chiefs hear my note read with respest, and perfectly according with my sentiments, of being all as brethren, uniting in the bonds of friendship and love? Did not they agree to smoke the pipe of peace, with their brethren of the lower nation, and live in future as brothers? What made some of them alter their minds afterwards? The interference of a humane man, who caused them to write a letter to me demand-

ing my removing from a board of outlaws, and which letter is signed, "*William Hambly.*"

I shall only make one more observation, and that will show from whence I come, and whether I come amongst the Indians as a *renegado*, or as the friend of peace and harmony.

In the spring of 1816, W. Hambly sent governor Cameron a letter containing talks of the chiefs of the Indian nations; they were forwarded to England; and his excellency handed me, on my leaving Providence, an answer thereto from the right honorable earl Bathurst, one of his majesty's chief secretaries of state, that I might make the same known to the chiefs on my arrival in the nation. What will governor Cameron think of the man, who, in 1816, could write against the encroachments of the Americans on the Indian nation, and in the spring of 1817, call the chiefs of that nation, for whom he more especially wrote, outlaws? Mr. Hambly may sell his services to America, but no man can expatriate himself from that allegiance due to his native country; and a government may call on a friendly nation to give up a subject that has seriously wronged her.

I recommend Mr. Hambly to be content with *Douceur* he may have received and permit the unlettered Indian to live quietly and peaceably on his native land.

I shall send a copy of this letter, with the one from you, to be read to the chiefs of the nation, and shall, at the same time, take an opportunity of explaining myself more fully, than I did in the note sent by Opony. Wishing you a speedy recantation of your errors, and a return to your former way of thinking,

I am your obedient,

(Signed) A. ARBUTHNOTT.

H.

Letter from A. Arbuthnott, to the governor of Havana.

To his excellency, Don ——,
Governor General, &c. &c.

The chiefs of the Creek nation, whose names are hereunto annexed, beg leave to approach your excellency, and represent their complaints. Long imposed on by the persons keeping stores in this country, in charging us exorbitant prices for their goods, while they

only allowed us a very trifling one for our peltry, we have found it necessary to look out for a person that will deal fairly with us, and we wish to establish a store for him on Appalache river; we have made application to the commandant of St. Marks, and he has referred us to your excellency. It is not alone the impositions that have been practised upon us, that has made us presume to address your excellency, we have complaints of a more serious nature, against the persons employed by the only house that has been established among us, that of Mr. Forbes. In the first place, some years back, under false pretences, they attempted to rob us of a very large portion of our best lands, and we the more readily acceded to it, from the faithful promise given us, that they would get English people to settle it, and live among us; but far from doing this, Mr. Forbes attempted to sell it to the American government, and settle it with Americans; thus finding ourselves deceived and imposed on, we withdrew our grant about three years since, which, from the stipulations contained therein, not being fulfilled on the part of Mr. Forbes, we conceived we had a right to do. Secondly, Mr. Doyle and Mr. Wm. Hambly, the two persons left in the nation to carry on Mr. Forbes's business, have, for more than two years, been endeavoring to influence us to join the Americans, and finding that fair means would not swerve us from our attachment to our ancient friends, the English, they have recently had recourse to threats, of bringing the Americans down upon us; and that people only want a pretext to attack us, which the said Doyle and Hambly attempt to give them, by spreading false reports of our murdering Americans, stealing their cattle, and preparing for war against them, while in fact, it is the Americans who murder our red brethren, steal our cattle, by hundreds at a time, and are daily encroaching on our lands, and maintaining the settlers in their ill gotten possessions by armed force.

On the Choctawhatchy river, there are a large body of Americans, forming settlements, and more are daily joining them. As this river is far within that line, marked out by your excellency's government, (and the Americans some years since, though that line was unknown to us until very lately, and we never gave our sanction, nor in fact, knew of any sale of our lands, being made to the Americans,) we trust your excellency will give orders, to displace them from within the line, and send them back to their own country. Our delaying to address your excellency, to represent the forementioned grievances, has been owing to the want of a person to attend to our talks, and put them in writing for us. The commandant of the fort of St. Marks, has heard all our talks and complaints. He approves of what we have done, and what we are doing, and it is by his recommendation we have thus presumed to address your excellency.

We have the honor to be,

Your excellency's most obedient,

And very humble servant,

(Signed) A. ARBUTHNOTT.

No. 1.

Power of attorney from the Indian Chiefs to A. Arbuthnott.

Know all men by these presents, That we, chiefs of the Creek nation, whose names are affixed to this power, having full faith and confidence in *Alexander Arbuthnott*, of New Providence, who knowing all our talks, is fully acquainted with our intentions and wishes, do hereby by these presents, continue and appoint him, the said *Alexander Arbuthnott*, our attorney and agent, with full power and authority, to act for us and in our names in all affairs relating to our nation, and also to write such letters and papers, as to him may sppear necessary and proper for our benefit, and that of the nation.

Given at Ocklocknee Sound, in the Creek nation, this 17th day of June, one thousand eight hundred and seventeen.

[Signed]

Cappachimico x	[Kenhigee, chief of the Mickasukeys.
Inhimathlo x	Chief of the Fowl towns.
Charle Tustonaky x	Charle Nishomatta, second chief of the Ockmulgee towns.
Otos Mico x	Chief of the Conholoway, below fort Gaines.
Ochacona Tustonaky x	Oponey, chief of the Ockmulge towns.
Imathluche x	Chief of the Attapulgas.
Inhimathluchy x	Chief of the Palatchocoleys.
Lahoe Himathlo x	Chief of the Chehaws.
Homathle Mico x	Chief of the Red Sticks.
Talmuches Hatcho x	Peter M'Queen, chief of the Tallapasses, (an old Red Stick.)
Hillisajo x	Francis, the prophet.
Opoithlimico x	A Red Stick, created chief by the lower towns.]

Witness,

PETER SHUGERT,

Interpreter.

[I certify that the Indian chiefs whose signatures are placed on the left hand side, to the full powers granted to Alexander Arbuthnott, are the chiefs of the towns and places above named.

[Signed] WILLIAM HAMBLY.

Witness,

WILLIAM S. FULTON,

Private Sec. Commanding Gen.]

No. 2.

Supposed to be for Bolegs to the governor of St. Augustine.

To his excellency Don Jose Copinger.

To his excellency, to James Green governor St. Augustine.

SIR,

I had the honor of receiving your letter of September, but the impossibility of finding a person to write an answer to the same is the cause of this apparent neglect.

I shall be very happy to keep up a good understanding and correpondence with you, and hope you will, when occasion offers, advise me of such things as may be of service to myself and people. My warriors and others that go to Augustine, return with false reports tending to harass and distress my people, and preventing them from attending to their usual avocations. At one time the Americans and upper Indians, supported by a force of about 3000 men, were running lines far within the Indian territory; at another time are collecting a force at fort Mitchell in the forks of Flint and Chattahoochy rivers to fall on the towns below. Now, sir, we know of no reason the Americans can have to attack us, an inoffensive and unoffending people. We have none of their slaves, we have taken none of their property since the Americans made peace with our good father, king George. We have followed the orders of his officer that was with us, lieutenant colonel Edward Nicholls, and in nowise molested the Americans, though we daily see them encroaching on our territory, stealing our cattle and murdering and carrying off our people. That same officer also told us, we allies to the great king our father, were included in the treaty of peace between our good father and the Americans, and that the latter were to give up all the territory that had been taken from us before and during the war. Yet so far from complying with the ninth article of that treaty, they are daily making encroachments on our land, getting persons who are not known to the chiefs, and without any power or authority, to grant and sign over lands to them. Thus they deceive the world and make our very friends believe we are in league with them.

The principal chiefs of the nation, with the head warriors, assembled at my town, on the 8th instant. and came to the resolution of informing the British minister at Washington of the conduct of the Americans and the officers of their government towards us; it has been done accordingly, and copies sent to England. We demand of the king, our father, to fix some of his people among us, who may inform him from time to time, of what is passing, and see the Americans do not extend themselves on our lands. The Spanish subjects in the Floridas are too much in the interests of the Americans to be our friends. For the governors I shall always enter-

tain the greatest regard, but for the people, they do not act so as to merit any esteem and protection. You desire I would chase those marauders who steal my cattle: my people have lately driven some Americans from Lahhewary, and I have no doubt the Americans will hold of this as a pretext to make war on us as they have before done, in stating we harbor their runaway slaves.*

No. 3.

General Mitchell, Agent for Indian Affairs,

SIR,

Kenhijee, the head chief of the Lower Creek nation, has called on me to request I would represent to you the cruel and oppressive conduct of the American people, living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and American people. But far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time: not only from the land side, but ascending the Appalachicola in vessel loads; thus the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders. Your known philanthrophy and good will to the Indians, induces the head chiefs to hope that you will lose no time in using your influence to put a stop to those invasions of their lands, and order that those who have already presumed to seize our fields may retire therefrom.

The Indians have seized two persons they think have been greatly instrumental in bringing the Americans upon them, and they are now in their possession as prisoners. It is even reported they have made sales of Indian lands without the knowledge, consent, or approbation of the chiefs of the nation; and from their long residence in the nation, and the great influence the one of those people formerly enjoyed among the chiefs, as their chief, there is some reason to believe he has been guilty of improper conduct with regard to the Indian nation.†

* [See this letter, No. 66, and governor Coppinger's answer.]

† [For the remainder of this letter, see No. 6.]

No. 4.

Petition of the Chiefs of the Lower Creek Nation, to Governor Cameron.

We, the undersigned, deputed by the chiefs of the Creek Nation, to wait on your excellency, and lay before you their heavy complaints. To the English we have always looked up as friends, as protectors; and on them we now call to aid us in repelling the approaches of the Americans, who, regardless of treaties, are daily seizing our lands and robbing our people; they have already built seven forts on our lands; they are making roads and running lines into the very heart of our country; and without the interference of the English, we shall soon be driven from the land we inherited of our forefathers.

The Americans tell us, the English will regard us no more, and that we had better submit to them; but we cannot submit to their shackles, and will rather die in defence of our country.

When peace was made between the English and Americans, we were told by lieut. col. E. Nicholls, that the Americans were to give up our lands they had taken, and we were desired to live quietly and peaceably, in no wise molesting the Americans: we have strictly followed these orders; but the Americans have not complied with the treaty. Col. Nicholls left Wm. Hambly in charge of the fort at Prospect Bluff, and with orders to hear us if any cause of complaint, and represent the same to the British government; but he turned traitor, and brought the Americans down on the fort, which was blown up, and many of our red brethren destroyed in it. The ammunition and stores, intended for our use, were either destroyed or taken off by the Americans. We have sent several messengers to inform your excellency of these proceedings of the Americans, but they have never returned to us with an answer. Three of our red brethren have lately been killed by the Americans, while hunting on our own lands, and they threaten to attack the towns of Mickasuky and Sahwahnee, the only two large towns left us in the Creek nation; and without aid from your excellency, we cannot repel their attack. We are therefore deputed to demand of your excellency, the assistance of troops and ammunition, that we may be able to effectually repel the attack of the Americans, and prevent their further encroachments; and if we return without assistance, the Americans, who have their spies among us, will the more quickly come upon us. We most humbly pray your excellency will send such a force as will be respected and make us respectable.*

Fort Mitchell, in the forks of the Flint and Chattahouche river.
One above the forks on Flint river, and another almost at its head.
One do. do. on Chattahouche, and one do. do.

* [The undersigned paper, No. 71, is supposed to be the answer to this petition.]

(The following endorsed on the foregoing.)

Charles Cameron, Esq. Governor, Commander in Chief, &c. &c. &c.

I beg leave to represent to your excellency, the necessity of my again returning to the Indian nation, with the deputies from the chiefs, and as my trouble and expense can only be defrayed by permission to take goods to dispose among them, I pray your excellency will be pleased to grant me such letter or license, as prevent me from being captured, in case of meeting with any Spanish cruiser on the coast of Florida.

No. 5.

B. Moodie to A. Arbuthnott.

British Consulate,
Charleston, S. C. Feb. 7, 1817.

SIR,

I duly received your letter dated, 8th January, with an enclosure which I forwarded to H. M. Envoy, the honorable Charles Bagot at Washington; since that time I have received a few lines from him, under date 29th ult. and at his desire I transmit you a copy of it annexed.

I am respectfully, Sir,
Your very obedient servant,

(Signed) BENJAMIN MOODIE.

To A. Arbuthnott, Esq. Nassau.

Mr. Bagot to Mr. Moodie.

Washington, January 29th, 1817.

SIR,

I duly received your letter of the 20th inst. enclosing one from Nassau. I shall be obliged to you, if you will take an imme-

diate opportunity of writing to the gentleman from whom you received that letter, acquainting him from me the expenses of postage are so considerable, that I must request if he has occasion to write to me again upon the same subject, he will forward his letters by private opportunities *only*.

I am, Sir,

Your obedient humble servant,

[Signed] CHARLES BAGOT.

B. Moodie, Esq.

No. 6.

Copy of a letter from A. Arbuthnott to General Mitchell, (enclosed by Col. Brearly, 27th Feb. 1818.)

[The last paragraph is the extract referred to, p. 134, No. 3, appears to be the rough draught of the other paragraphs.]

Sahwahnee, Lower Creek Nation,
19th January, 1818.

To General Mitchell,
Agent for Indian Affairs.

SIR,

Kenhajee, head chief of the Lower Creek nation, had called on me to request I would represent to you the cruel and oppressive conduct of the American people living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and the American people; but far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time, not only from the land side, but both troops and settlers ascending the Appalachicola river in vessel loads, that the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders.

Your known philanthrophy and good will towards the Indians in general, induced the chiefs to hope, that you will lose no time in using your influence to put a stop to those invasions of their lands and paternal birthright, and also order that those who have already seized on their fields may retire therefrom.

The Indians have seized two persons known to have been greatly instrumental in bringing the Americans down on their lands, and they are now in their possession as prisoners; and they have it in report, that sales of their lands have been made by those two people, without the consent, approbation, or knowledge of the chiefs; and from their long residence in the nation, and the one having enjoyed great confidence in the nation, and with the chiefs as English interpreter, there is some reason to believe those reports, when leagued with the swarms of Americans coming from Mobile and other places, seizing the best of the Indian lands, such improper sales have actually been made.

In taking this liberty of addressing you, Sir, in behalf of the unfortunate Indians, believe me I have no wish, but to see an end put to a war, which, if persisted in, I foresee must eventually be their ruin, and as they were not the aggressors, if in the height of their rage, they committed any excesses, that you will overlook them, as the just ebullition of an indignant spirit against an invading foe.

I have the honor to be, Sir, with great respect,

Your most obedient and humble servant,

[Signed] A. ARBUTHNOTT,

by order of Kenhajee and Bolegs, acting for themselves and the other chiefs.

Camp, before St. Marks, April 8, 1818.

The foregoing letter was produced to A. Arbuthnott, on his examination before me, and acknowleged by him to have been written by him to general Mitchell, agent for the Creek nation.

[Signed] ANDREW JACKSON.

Present, MR. FULTON.

K.

DEFENCE.

May it please this Honorable Court:

The prisoner arraigned before you, is sensible of the indulgence granted by this honorable court, in the examination of the

case now before them. It is not the wish of the prisoner in making his defence, to tire the patience of the court, by a minute reference to the voluminous documents and papers, or to recapitulate the whole of the testimony, which have come before this honorable court, in the course of this investigation. Nor is it the intention of the prisoner to waste the invaluable time of this court, by appeals to their feelings or sympathy, though I am persuaded that sympathy no where more abounds than in a generous AMERICAN breast. My only appeal is to the sound and impartial judgment of this honorable court, the purity and uprightness of their hearts, that they will dispassionately and patiently weigh the evidence which they have before them, apply the LAW; and on these, and these alone, pronounce their judgment.

If this honorable court please, I shall now proceed to examine the law and evidence that is relied on by this honorable court, in support of the first charge and specification.

Winslett, a witness on the part of the prosecution, says "the Little Prince shew him a letter written in June last, signed A. Arbuthnott, requesting his friendship with the lower nations of Indians. The same witness stated he believed the letter to be now in the possession of the Little Prince. Here, may it please this honorable court, I would call their attention to the laws relating to evidence. First, premising that the rules of evidence are the same, whether in civil or military tribunals, M'Com. 99. This point being conceded, the next inquiry is, what are the rules of evidence with respect to the admission of letters or papers of private correspondence, in a court of criminal jurisdiction? May it please this honorable court, must you not produce the original letters and papers, if they are not lost or mislaid, so that they cannot be obtained; and in case they are lost, proof must be made of the hand write, being the same of that of the original, before they can be received as evidence? M'Com. on Court Martial, Peake's Evidence, Gilbert's Law of Evidence. No instance can be cited where a copy of a letter was read as evidence, where the original could be obtained, much less the giving in evidence the contents of such letters from bare recollection. The only proof that this honorable court has of the existence of such a letter being in the hands of any person, or its contents being known, is the vagrant memory of a vagrant individual. Make this a rule of evidence, and I ask *you* where would implication, construction, and invention stop? Whose property, whose reputation, or whose life would be safe? Here I would beg leave to mention a remark made by the president of of this court, in the course of this investigation, which was, that notwithstanding the letter was proved by the witness to be in the possession of the Little Prince, that this court could not notice that circumstance, because there was no means by which it could be obtained. I would ask the honorable court what means have they adopted, or what exertions they have made to procure this letter? If the honorable court please, I shall here close the defence on the first

charge and specification, believing that they are neither supported by law or evidence.

May it please the honorable court. I will now come to the second charge, and first specification of that charge. In support of this charge and specification, the evidence before the court is a letter written to my son. If the court please, this letter was written in consequence of the situation of my property at Sahwahnee, and the large debts that were due me from Bowleg and his people. Nothing, I believe, of an inflammatory nature can be found on reading the document marked A, authorizing the opinion that I was prompting the Indians to war. On the contrary, if the honorable court will examine the document marked A, they will see that I wished to lull their fears, by informing them that it was the negroes and not the Indians that the Americans were principally moving against.

If the honorable court please, I will make a few remarks upon the second specification, and then close my defence. In proof of this charge, the court have before them the evidence of Hambly, Cooke, and sundry letters purporting to be written by myself, to different individuals. May it please the court, what does Cooke prove? Why, that I had ten kegs of powder at Sahwahnee. Let me appeal to the experience of this court, if they think that this quantity of powder would supply one thousand Indians, and an equal number of blacks, more than two months for hunting? As to the letters named in this specification, may it please the court, the rules of evidence laid down in the first part of this defence, will apply with equal force in the present case. It remains now, may it please the court, to say something as to Hambly's testimony. And may it please this honorable court, the rule laid down in this case, as to hearsay evidence, will be found without a precedent. A strong case was stated by an intelligent member of this court, on the examination of this part of the evidence; "That is, would you receive as testimony, what a third person had said, who if present, you would reject as incompetent." Apply this principle to the present case; could an Indian be examined on oath, in our courts of judicature? If then the testimony of savages is inadmissible, Hambly proves nothing.

Here may it please the honorable court, I close my reply to the charges and specifications preferred against me; being fully persuaded that should there be cause of censure, that my judges will, in the language of the law, lean to the side of mercy.

Continuation of the minutes of the proceedings of a Special Court, whereof Major General Gaines is President, convened by order of the 26th April, 1818.

Fort St. Marks, 27th April, 1818.

The court proceeded to the trial of Robert C. Armbrister, a British subject, who, being asked if he had any objections to any one of the members of the court, and replying in the negative, was arraigned on the following charges and specifications, viz:

Charges against Robert C. Armbrister, now in custody, and who says he is a British subject.

Charge 1st. Aiding, abetting, and comforting the enemy, supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

Specification 1st. That the said Robert C. Armbrister, did give intelligence of the movements and operations of the American army between the 1st and 20th March, 1818, and did excite them, (the negroes and Indians) to war against the army of the United States, by sending their warriors to meet and fight the American army, whose government was in peace and friendship with the United States, and all her citizens.

Charge 2d. Leading and commanding the Lower Creek Indians, in carrying on war against the United States.

Specification 1st. That the said Robert C. Armbrister, a subject of Great Britain, which government was in peace and amity with the United States, and all her citizens, did, between the 1st of February, and 20th of March, 1818, levy war against the United States, by assuming command of the Indians in hostility and open war with the United States, and ordering a party of them to meet the army of the United States, and give them battle; as will appear by his letters to governor Cameron, of New Providence, dated 20th March, 1818, which are marked A, B, C, and D; and the testimony of Mr. Peter B. Cook, and captain Lewis, of the schooner Chance.

By order of the court,

J. M. GLASSELL,
Recorder.

To which charges and specifications, the prisoner pleaded as follows, viz:

To the first charge and specification, *not guilty.*
To the second charge and specification, *guilty*, and *justification.*
The court adjourned until to-morrow morning, at seven o'clock.

Fort St. Marks, 28th April, 1818.

The court met pursuant to adjournment. Present,

Major General GAINES, President.

Members.

Col. King,	Col. Dyer.
Col. Williamson,	Lt. Col. Lindsay,
Lt. Col. Gibson,	Lt. Col. Elliott,
Major Muhlenburg,	Major Fanning,
Major Montgomery,	Major Minton,
Capt. Vashon,	Capt. Crittenden.

Lieut. J. M. Glassell, Recorder.

The recorder then read to the court the following order:

"*Head Quarters, Division of the South.*

Adjutant General's Office,

Near St. Mark's, 28th April, 1818.

"GENERAL ORDER.

"Captain Allison of the 7th Infantry is detailed to form a supernumerary member to the special court now sitting at Fort St. Marks:

"By order.

"[Signed] ROBERT BUTLER,

"*Adjt. General.*"

Pursuant to the above order, the supernumerary member took his seat.

John Lewis Phenix, a witness on the part of the prosecution being duly sworn, stated that about the fifth or sixth of April, 1818, his vessel and himself having been captured by the prisoner and he brought to Suwaney, as a prisoner, there was an alarm among the negroes and Indians created by learning some news from Mickasukee, at which time the prisoner appeared active in giving orders and sending a detachment to meet the American army. The witness also stated that the prisoner appeared to be a person vested with authority among the negro leaders and gave orders for their preparation for war, procuring ammunition, &c. and that the leaders came to him for orders; the prisoner furnished them with powder and lead, and recommended to them the making balls, &c., very quickly. The witness also stated that the prisoner occasionally dressed in uniform with his sword, and that on the first alarm which he understood was from Mickasukee by a negro woman, he put on his uniform. The witness further stated, that sometime about the 20th March, 1818, the prisoner with an armed body of negroes (24 in number) came on board of his vessel, and ordered him to pilot them to fort St. Marks, which he stated he intended to capture before the Americans could get there, threatening to hang the witness if he did not obey.

Question by the court. Did you ever understand by whose authority and for what purpose the accused came into the country?

Answer. I have frequently heard him say that he came to attend to Mr. Woodbine's business at the bay of Tamper.

Question by the Prisoner. Did I not tell you when I came on board the schooner Chance, I wished you to pilot me to St. Marks, as I was informed that two Americans by the names of Hambly and Doyle were confined there, and I wished to have them relieved from their confinement?

Answer. You stated you wanted to get Hambly and Doyle from St. Marks; I do not know what were your intentions in so doing.

Question. Did I not tell you that I expected the Indians would fire on me when I arrived at St. Marks?

Answer. You did not; you stated that you intended to take the Fort in the night by surprise.

Question. Did you see me give ammunition to the negroes and Indians, if so, how much and at what time?

Answer. I saw you give powder and lead to the negroes when you came on board, and advised them to make balls, and I saw you give liquor and paint to the Indians.

Question. Have you not often heard me say, between the 1st and 20th of April, that I would not have any thing to do with the negroes and Indians, in exciting them to war with the United States?

Answer. About the 15th of April, I heard you say, you would not have any thing to do with the negroes and Indians; I heard nothing about exciting them to war.

Question. Can you read writing?

Answer. Not English writing.

Question. Did you not hear me say when arriving at Sahwahnee, that I wished to be off immediately for Providence?

Answer. I did not; after the alarm, you said you wished to be off for Tamper.

Question. Did you not say to the accused, you wished to visit Mr. Arbuthnott at his store on Suwany, and get provisions yourself?

Answer. I did not; I stated I wanted provisions.

Question. Did I send or command any Indians to go and fight the Americans?

Answer. I did not exactly know that you sent them; the Indians and negroes were crowding before your door, and you were dividing the paint, &c. among them; and I understood a party was going to march.

Question. Did I not give up the schooner in charge to you as captain?

Answer. After our return from Suwany town, you directed me to take charge of her to go to Tamper.

John J. Arbuthnott, a witness on the part of the prosecution, being duly sworn, stated; that sometime about the 23d March, the pri-

soner came with a body of negroes, partly armed, to his father's store, on Suwany river, and told the witness that he had come to do justice to the country, by taking the goods and distributing them among the negroes and Indians; which the witness saw the prisoner do; and that the prisoner stated to him, that he had come to the country on Woodbine's business, to see the negroes righted. The witness has further known the prisoner to give orders to the negroes, and that at his suggestion, a party was sent from Suwany to meet the Americans, to give them battle; which party returned on meeting the Mickasukee Indians in their flight. The witness also testified to the hand writing of the letter, marked A, and referred to in the specification of the 2d charge, as the writing of the prisoner.

Question by the Prisoner. Did you hear me say, that I came on Woodbine's business?

Answer. I did.

Question by the Prisoner. Were not the negroes alluded to, at Arbuthnott's store before I arrived?

Answer. No you came with them.

Peter B Cook, a witness on the part of the prosecution, being duly sworn, stated; that he never heard the prisoner give any orders to Indians or negroes; that the prisoner did distribute Arbuthnott's goods, and also paint, to the negroes and Indians; also that some powder was brought from Suwany by the prisoner, and distributed among the negroes by Nero. Sometime in March, the prisoner took Arbutnott's schooner, and with an armed party of negroes, about 24 in number, set out for St. Marks, for the purpose of taking Arbuthnott's goods at that place, and stated that he would compel the commandant to give them up. On hearing of the approach of the American army, the prisoner told the negroes it was useless for them to run, for if they ran any further, they would be driven into the sea.

The prisoner told the witness, that he had been a lieutenant in the British army, under col. Nicholls. The prisoner was sent by Woodbine to Tamper, to see about those negroes he had left there. The prisoner told the witness, that he had written a letter to governor Cameron, for ammunition for the Indians sometime in March, and also told the witness, that he had a commission in the patriot army, under M'Gregor, and that he expected a captaincy. The witness testified that the letters, marked A, B, C, and D, and referred to in the specification to the second charge, were in the hand writing of the prisoner, also one marked E.

Question by the Prisoner. Did you not frequently hear me say, that I would have nothing to do with the Indians, in exciting them to war with the United States?

Answer. I do not recollect.

Question. Are you acquainted with Lewis Phenix, and have you not heard him express ill will against me, in consequence of my wishing him to pilot me to St. Marks?

Answer. I never did.

Question. Do you know my sending troops at any time to fight against the United States; and have I not been constantly with you; so that you would have had an opportunity of knowing if there had been any sent by me?

Answer. I have not. They might have been sent without my knowledge.

Jacob Harmon, a witness on the part of the prosecution, being duly sworn, stated, that some time in the latter end of March, or first of April, the prisoner took possession of the schooner Chance, with an armed party of negroes, and stated his intentions of taking St. Marks. On his way thither, on going ashore, he learned from some Indians, that Arbuthnott had gone to St. Marks, which induced him to return. The witness also stated, that while the prisoner was on board, he had complete command of the negroes, who considered him as their captain. The prisoner took the cargo of the vessel, up towards Suwany, which consisted of, with other articles, nine kegs of powder, and five hundred pounds of lead.

The evidence on both sides being closed, the prisoner was allowed until five o'clock this evening to make his defence.

The time allowed the prisoner, for the preparation of his defence having expired, he was brought before the court, and made the defence marked M, which is attached to these proceedings.

The court was then cleared, and the proceedings read over by the recorder, when, after due deliberation on the testimony brought forward, the court find the prisoner, Robert C. Armbrister, *guilty* of so much of the specification to the first charge as follows, viz: "And did excite them to war with the United States, by sending their warriors to meet and fight the American army, he being a subject of Great Britain, which government was at peace and friendship with the United States and all her citizens;" but *not guilty* of the other part of the specification; *guilty* of the first charge; *guilty* of the specification of the second charge; and *guilty* of the second charge; and do therefore sentence the prisoner, Robert C. Armbrister, to suffer *death*, by being *shot*, two-thirds of the members of the court concurring therein.

One of the members of the court, requesting a reconsideration of his vote on the sentence, the sense of the court was taken thereon, and deciding in the affirmative, when the vote was again taken, and the court sentenced the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain, at *hard labour*, for twelve calendar months.

The court adjourned *sine die*.

(Signed) EDMUND P. GAINES,
Maj. Gen. by brevet, Pres't. of the court.

(Signed) J. M. GLASSELL,
Recorder.

A.

From Robert Armbrister to his excellency Charles Cameron, Governor Bahamas.

Saktwahnee, near Fort St. Marks,

March 20th, 1818.

SIR,

I am requested particularly by all our Indian chiefs, to acquaint your excellency, that the Americans have commenced hostilities with them two years ago, and have advanced some considerable distance in their country, and are now making daily progress; they say, they sent a number of letters to your excellency, by Mr. Arbuthnott, but have never received one answer; which makes them believe that he never delivered them, and will oblige them much, if you will let them know whether he did or not. The purport of the letters were, begging your excellency to be kind enough to send them down some gun powder, muskets, balls, lead, cannon, &c. as they are now completely out of those articles. The Americans may march through the whole territory in one month, and without arms, &c. &c. they must surrender. Allas Hadjo, or Francis, the Indian chief, the one that was in England, tells me to let your excellency know, that the prince regent told him, that whenever he wanted ammunition, that your excellency would supply him with as much as he wanted.

They beg me to press upon your excellency's mind, to send the abovementioned articles down by the vessel that brings this to you, as she will sail for this place immediately, and let the prince regent know of their situation. Any letters that your excellency may send down, be good enough to direct to me, as they have great dependence in my writing. Any news that your excellency may have, respecting them and America, will be doing a great favor to let me know, that I may send among them.

There is now a very large body of Americans and Indians, who I expect will attack us every day, and God only knows how it will be decided; but I must only say, that this will be the last effort with us. There has been a body of Indians gone to meet them, and I have sent another party; I hope your excellency will be pleased to grant the favor they request. I have nothing further to add,

But I am, Sir,

With due respect,

Your ob't. humble servant,

ROBERT C. ARMBRISTER.

B.

From Robert Armbrister, to Brevet Major Edward Nicholls.

Sahwahnee, near river Appalachicola.

Dear Sir,

Francis, and all the Indian chiefs, have requested me particularly to acquaint you, that the Americans have commenced hostilities with them this two years past, and are making daily progress in their territory, and say they will proceed. That you are the only friend they have in that part of the world, and hope that you exert yourself in their behalf, and ask for as much assistance as can be had; that the Americans are at the forks of the river Appalachicola. They have written a number of times to England and Providence, but have never received one answer; they expect the man never delivered the letters; but they have full hopes in my writing. They request you will make the prince regent acquainted with their deplorable situation. The Americans have been very cruel since they have commenced, and hope you will lose not a single moment in forwarding their views. They say, they will be extremely happy to see you out, nothing would give them greater pleasure than to see you out, at this present time. If they should not see you, to send them out all news and directions, that they may be guided by it.

There is about three hundred blacks at this place, a few of our Bluff people; they beg me to say, they depend on your promises, and expect you are on the way out, that they have stuck to the cause, and will always believe in the faith of you, and any directions you may give, send to me at this place, and I will do what I can.

I remain, my dear sir,

Most truly yours,

ROBERT C. ARMBRISTER.

N. B. Francis says, you must bring the horses when you come out, that you promised; and that his house has been burnt down, and burnt his uniform clothes.

R. A.

C.

His Excellency Charles Cameron Esq. &c. &c, &c.

March 20th, 1818.

SIR,

I am requested particularly by the Indian chiefs, to acquaint your excellency, that the Americans have commenced hostilities with

them a long time since, and have advanced some distance in their territory, and are still continuing to advance. That they, the chiefs of Florida, have sent repeatedly to your excellency, and have never received one answer; they suspect Mr. Arbuthnott has never delivered the papers to your excellency; they wish me to state to you, that they are completely out of ammunition, muskets, &c. begging your excellency will be pleased to send them the articles abovementioned, with a few cannon, as the Americans build their boats so strong, that their rifle balls cannot penetrate their sides.—The captain of the vessel who will come down again, I have given orders to make your excellency acquainted what time the vessel will sail for this place. Your excellency will I hope, be good enough to make the Prince Regent acquainted with their situation and ask for assistance, which they have pressed me very hard to press on your excellency's mind, and likewise to send them down what news may be respecting them and the country, which will be a great satisfaction to them.

I have the honor to be,

Sir, with due respect,

Your most obdt. humble servt.

ROBERT C. ARMBRISTER.

N. B. They beg your excellency will be as expeditious as possible. That your excellency is the only dependence they have, and to whom the Prince Regent told them, would give them every assistance that laid in your power.

ROBERT C. ARMBRISTER.

D.

His excellency governor Cameron, &c. &c. &c.

Sahwahnee, 20th March, 1818.
Near Fort St. Marks.

SIR,

I am requested by Francis, and all the Indian chiefs, to acquaint your excellency, that they are at war with the Americans, and have been some time back. That they are in great distress, for the want

of ammunition, balls, arms, &c. and have wrote by Mr. Arbuthnott, several times, but they suppose he never delivered them to your excellency. You will oblige them much, to let them know whether he did or not. I expect the Americans and Indians will attack us daily. I have sent a party of men to oppose them.

They beg me to press on your excellency's mind, to lay the situation of the country before the prince regent, and ask for assistance. All news respecting them, your excellency will do a favor to let me know by the first opportunity, that I may make them acquainted. I have given directions to the captain, to let your excellency know when the vessel will sail for this place.

I hope your excellency will be pleased to send them the ammunition. I expect, if they don't procure some very shortly, that the Americans will march through the country. I have nothing further to add.

But am, dear sir,

Your most obedient, humble servant,

ROBT. C. ARMBRISTER.

E.

Robert C. Armbrister to Peter Cook.

Mouth River.

DEAR COOK,

The boat arrived here about three o'clock on Tuesday. The wind has been ahead ever since. I have been down; the rudder of the vessel is in a bad condition, but I will manage to have it done to-night. The wind, I am in hopes, will be fair in the morning, when I will get under way, and make all possible despatch. I will make old Lewy pilot me safe. If those Indians don't conduct themselves strait, I would use rigorous measures with them. Beware of Mr. Jerry; I found him on board when I came; keep a good look out. I have sent two kegs of powder, and a bar of lead.

Yours, &c.

R. A.

Tuesday, 3 o'clock.

Defence M.

Fort St. Marks, April 28th, 1818.

The United States of America,
vs.
Robert Christy Armbrister,

Who being arraigned before a special court martial, upon the following charges, to wit:

1st. Aiding, and abetting, and comforting the enemy, supplying them with the means of war; he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

Charges 2d. Leading and commanding the lower Creek Indians, in carrying on war against the United States.

To the first charge, the prisoner at the bar, plead not guilty; and as to the second charge, he plead guilty, and justification. The prisoner at the bar feels grateful to this honorable court, for their goodness in giving him a sufficiency of time to deliberate and arrange his defence on the above charges.

The prisoner at the bar, here avils himself of the opportunity of stating to this court, that, inasmuch as the testimony which was introduced in this case, was very explicit, and went to every point the prisoner could possibly wish, he has nothing further to offer in his defence, but puts himself upon the mercy of this honorable court.

(Signed) ROBERT C. ARMBRISTER.

Head Quarters, Division of the South,
Adj't. General's office, Camp, four miles
North of St. Marks, April 29th, 1818.

GENERAL ORDER.

At a special court martial, commenced on the 26th instant, at St. Marks, and continued until the night of the 28th, of which brevet major general E. P. Gaines is president, was tried A. Arbuthnott, on the following charges and specifications, viz:

Charge 1st. Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnott, being a subject of Great Britain, with whom the United States are at peace.

Charge 2d. Acting as a spy, aiding, abetting, and comforting the enemy, and supplying them with the means of war.

Charge 3d. Exciting the Indians to murder and destroy Wm. Hambly, and Edmund Doyle, confiscate their property, and causing

their arrest, with a view to their condemnation to death, and the seizure of their property, they being citizens of Spain, on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians.

To which charges the prisoner pleaded, *not guilty*.

The court, after mature deliberation on the evidence adduced, find the prisoner, A. Arbuthnott, guilty of the first charge, and guilty of the second charge, leaving out the words "acting as a spy:" and after mature reflection, sentence him, A. Arbuthnott, to be suspended by the neck, until he is dead.

Was also tried, Robert C. Armbrister, on the following charges, viz:

Charge 1st. Aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain, (who are at peace with the United States) and late an officer of the British colonial marines.

Charge 2d. Leading and commanding the lower Creek Indians in carrying on war against the United States.

To which charges the prisoner pleaded as follows, viz:

To the first charge, not guilty. To the second charge, guilty, and justification.

The court, on examinatioa of evidence, and on mature deliberation, find the prisoner, Robert C. Armbrister, guilty of the first and second charges, and do therefore sentence him to suffer death, by being shot. The members requesting a reconsideration of the vote on this sentence, and it being had, they sentence the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain to hard labour, for twelve calendar months.

The commanding general approves the finding and sentence of the court, in the case of A. Arbuthnott; and approves the finding and first sentence of the court in the case of Robert C. Armbrister; and disapproves the reconsideration of the sentence of the honorable court in his case. It appearing from the evidence and pleading of the prisoner, that he did lead and command within the territory of Spain, (being a subject of Great Britain) the Indians in war against the United States; the nation being at peace. It is an established principle of the laws of nations, that any individual of a nation, making war against the citizens of another nation, they being at peace, forfeits his allegiance, and becomes an outlaw and pirate. This is the case of Robert C. Armbrister, clearly shown by the evidence adduced.

The commanding general orders, that brevet major A. C. W. Fanning, of the corps of artillery, will have, between the hours of eight and nine o'clock A. M. *A. Arbuthnott* suspended by the neck with a rope, until he is *dead;* and Robert C. Armbrister to be shot to *death*, agreeably to the sentence of the court.

John James Arbuthnott, will be furnished with a passage to Pensacola, by the first vessel.

Captain R. K. Call, of the 1st regiment infantry, is appointed volunteer *aid-de-camp*, to the commanding general until further orders.

The special court, of which brevet major general E. P. Gaines is president, is dissolved.

By order of major general A. Jackson.

ROBERT BUTLER.
Adjutant General.

No. 50.

Extracts from Message of 25th March, 1818, pages 7, 8, 11, 12, 14, 22.

Extract of a letter from the governor of Georgia to general Gaines, dated Milledgeville, 5th February, 1817.

"You, no doubt, have already been informed, that the notorious Woodbine has recently made his appearance again, at the mouth of the Appalachicola, and that he has an agent now among the Seminole Indians and negroes in that quarter, stirring them up to acts of hostilities against this country; and that Woodbine himself has gone, in an armed vessel, to some part of the West Indies for supplies. Connected with this fact, is another which my serve as an intimation of the future conduct of these people, when once in the possession of the supplies which it is said they expect, on the return of Woodbine. About ten or twelve days ago, a small party of those Indians entered the frontier of Wayne county, and stole two horses and some cattle: they were pursued by some of the inhabitants, who peaceably demanded a restoration of the stolen property; and instead of a compliance on the part of the Indians, they immediately fired upon the whites, who retired without returning a shot.—One of the whites was mortally wounded."

Extract of a letter from George Perryman to lieutenant Sands, dated February 24, 1817.

"The charge given me by col. Clinch and yourself, and other officers of the United States, induces me to believe there is a confidence placed in me, which I ought not to deceive. I therefore think it my duty, as well as my inclination, to give you the following information: there was a friend of mine, not long since, in the Fowl-town on Flint, and he saw many horses, cattle, and hogs, that had come immediately from the state of Georgia; and they are bringing them away continually. They speak in the most contemptuous manner of the Americans, and threaten to have satisfaction for what has been done; meaning the destruction of the negro fort. There is another of my acquaintances returned immediately from the Seminole towns, and saw the negroes on parade there. he count

ed about 600 that bore arms: they have chosen officers of every description, and endeavour to keep up a regular discipline, and are very strict in punishing violators of their military rules. There is said to be about the same number of Indians, belonging to their party, and there are both negroes and Indians daily going to their standard. They say they are in complete fix for fighting, and wish for an engagement with the Americans, or M'Intosh's troops; they would let them know they had something more to do than they had at Apalachicola. They have chosen Bowlegs for their head, and nominated him king, and pay him all kind of monarchial respect, almost to idolatry, keeping a picket guard at the distance of five miles. They have a number of the likeliest American horses; but there is one or two chiefs that is not of the choir. Kenhagee, the Micasukey chief, is one that is an exception."

Extract of a letter from Archibald Clarke intendant, St. Mary's, Georgia, to Gen. Gaines, dated February 26th 1817.

"On the 24th instant, the house of Mr. Garret, residingin the upper part of this county, near the boundary of Wayne county, was attacked during his absence, near the middle of the day, by this party, consisting of about fifteen, who shot Mrs. Garret, in two places, and then despatched her by stabbing and scalping. Her two children, one about three years, the other two months, were also murdered, and the eldest scalped: the house was then plundered of every article of value, and set on fire."

Extract of a letter from Richard M. Sands, 4th Infantry, commanding at Fort Gaines, Georgia, to Col. William King, or officer commanding the 4th Regt. Infantry, dated March 15th, 1817.

"I enclose, for your information, two letters, which I received a few days since. Yesterday William Perryman, accompanied by two of the lower chiefs arrived here; he informs me, that M'Queen, the chief mentioned in one of the enclosed letters, is, at present, one of the heads of the hostiles: that they are anxious for war, and have lately murdered a woman and two children. He likewise says, that he expects the news in George Perryman's letter, is true; for there are talks going through the towns, that the English are to be at Okoloking river in three months."

Extracts of a letter from David B. Mitchell, Indian agent to the Secretary of War, dated at Milledgeville, Georgia, March 30th, 1817.

"By yesterday's mail, I received a letter from Mr. Timothy Barnard, who resides at Flint River, in the Indian country, a considerable

distance below the agency, in which he observes, I have been informed two days past, from below, where the Red Stick class reside, that a party has been down near St. Mary's and murdered a woman and two children, and brought off some horses." "I will further state, that I have received information from other persons, at and near Fort Gaines, that a British agent is now among these hostile Indians, and that he has been sending insolent messages to the friendly Indians and white men settled above the Spanish line: he is also charged with stimulating the Indians to their present hostile aspect; but whether he is an acknowledged agent of any foreign power, or a mere adventurer, I do not pretend to determine; but am disposed to believe him the latter."

Extract of a letter from Gen. Gaines to the Secretary of War, dated Camp Montgomery, M. T. April 3d, 1817.

"I received by the last mail, a letter from Archibald Clarke, Esq. intendant of the town of St. Marys, by which it appears that another outrage, of uncommon cruelty, has recently been perpetrated by a party of Indians upon the southern frontier, near the boundary of Wayne county. They have massacred a woman, Mrs. Garret, and two of her children, the mother and eldest child were scalped; the house plundered and burnt."

Extract of a letter from A. Culloh, to Genenal Gaines, written at Fort Gaines.

"We are hourly told by every source of information, by the friendly Indians, by letters from William Hambly and Edmund Doyle, who reside low down on the Appalachicola, that all the lower tribes of Indians have embodied, and are drying their meats to come on to the attack of this post. The British agent at Oakelockiness sound is giving presents to the Indians. We have among us Indians who have been down and received powder, lead, tomahawks, knives, and a drum for each town, with the royal coat of arms painted on it. We have at this time, at least five hundred Indians skulking in this neighborhood, within three or four miles of us, who will not act for themselves, and who are evidently waiting for the signal to strike an effectual blow. They have stolen almost every horse belonging to the citizens. They have scared them from the fields which they have cleared, and have taken possession of their houses. They are now stealing horses, cattle, and hogs from the Georgia lines; and have killed one or two families on the St. Tillas."

Extract of a letter from General Gaines to Major General Andrew Jackson, dated Fort Scott, Georgia, 21st November, 1817.

" The first brigade arrived at this place on the 19th instant. I had previously sent an Indian runner, to notify the first town chief, E-me-he-mant-by, of my arrival, and with a view to ascertain whether his hostile temper had abated, requesting him to visit me. He replyed that he had already said to the commanding officer here, all he had to say, and he would not come."

" Among the articles found in the house of the chief, was a British uniform coat (scarlet) with a pair of gold epauletts, and a certificate signed by a British captain of marines, " Robert White, in the absence of col. Nicholls," stating that the chief had always been a true and faithful friend to the British.

" The reports of friendly Indians, concur in estimating the number of hostile warriors, including the Red Sticks and Seminoles, at more than two thousand, besides the blacks amounting to near four hundred men, and increasing by runaways from Georgia. They have been promised, as several Indians informs me, assistance from the English at New Providence. This promise, though made by Woodbine, is relied on by most of the Seminole Indians. I have not a doubt but they will sue for peace, as soon as they find their hopes of British aid, to be without a foundation."

General Gaines to the Secretary of War—with a Talk.

No. 51. *a.*

Head Quarters, Fort Scott, (Geo.) December 2d, 1817.

SIR,

I had the honor to receive, on the 26th ultimo, your communication of the 30th October.

I am very happy to find that the President approves of my movement, but I much regret that his just expectations, as to the effect there was reason to believe would be produced on the minds of the Indians by this movement, have not been realized. I am now quite convinced, that the hostility of these Indians is, and has long since been, of so deep a character, as to leave no ground to calculate upon tranquillity, or the future security of our frontier settlements, until the towns south and east of this place, shall receive a signal proof of our ability and willingness to retaliate for every outrage. It is now my painful duty to report an affair of a more serious and decisive nature than has heretofore occurred,

and which leaves no doubt of the necessity of an immediate application of force, and active measures on our part. A large party of Seminole Indians, on the 30th ult. formed an ambuscade upon the Apalachicola river, a mile below the junction of the Flint and Chatahouchie, attacked one of our boats ascending near the shore, and killed, wounded, and took the greater part of the detachment, consisting of 40 men, commanded by lt. R. W. Scott, of the 7th infantry. There were also on board, killed or taken, seven women, the wives of soldiers. Six men of the detachment only escaped, four of whom were wounded. They report that the strength of the current at the point of attack had obliged the lieut. to keep his boat near the shore; that the Indians had formed along the banks of the river, and were not discovered till their fire had commenced, in the first volley of which lieut. Scott and his most valuable men fell.

The lieutenant and his party had been sent from this place some days before, to assist major Muhlenberg in ascending the river with three vessels laden with military stores brought from Montgomery and Mobile.—The major instead of retaining the party to assist him, as I had advised, (see enclosure No. 2) retained only about 20 men, and in their place put a like number of sick, with the women, and some regimental clothing. The boat thus laden was detached alone for this place. It is due to major Muhlenberg to observe, that at the time he detached the boat, I have reason to believe he was not apprised of any recent hostilities having taken place in this quarter. It appears, however, from lieut. Scott's letter, received about the hour in which he was attacked, (see enclosure No. 3) that he had been warned of the danger. Upon the receipt of this letter, I had two boats fitted up, with covers and port holes, for defence, and detached captain Clinch with an officer and 40 men, with an order to secure the movement of lieut. Scott, and then to assist major Muhlenberg.

This detachment embarked in the evening of the 30th, and must have passed the scene of action below, at night, and some hours after the affair terminated. I have not yet heard from captain Clinch. I shall immediately strenghen the detachment under major Muhlenberg with another boat, secured against the enemy's fire. He will therefore move up with safety, keeping near the middle of the river. I shall moreover take a position with my principal force, at the junction of the river, near the line, and shall attack any vessel that may attempt to intercept our vessel and supplies below, as I feel persuaded the order of the President prohibiting an attack upon the Indians below the line, has reference only to the past, and not to the present or future outrages, such as the one just now perpetrated, and such as shall place our troops strictly within the pale of natural law, where self-defence is sanctioned by the privelege of self-preservation. The wounded men who made their escape, concur in the opinion, that they had seen upwards of 500 hostile Indian warriors, at different places below the point of attack. Of the force engaged, they differ in opinion; but all agree that the number was very considerable, extending about 150 yards along the shore, in the edge of a swamp or thick woods. I am assured by the friendly chief, that the hostile warriors of every town upon the Chatahoochie, prepared canoes, and pushed off down the river to join the Seminoles, as soon as the account of my movement from the Alabama reached them.

The Indians now remaining upon the Chatahoochie, I have reason to believe are well disposed. One of the new settlers, however, has recent-

ly been killed; but it has been clearly proved, that the murderer had belonged to the hostile party. The friendly chiefs in the neighborhood, when apprised of the murder, assembled a party, and sent in pursuit of the offender, and followed him to the Flint river, on the route to Mickasuky, whither he escaped. Onishajo, and several other friendly chiefs, have offered me their services, with their warriors to go against the Seminoles. I have promised to give them notice of the time that may be fixed for my departure, and then to accept their services. The enclosure, No. 1, contains the substance of what I have said to the chiefs who have visited me; several of whom reside south of the Spanish line and west of Apalachicola river. It was expected by the chiefs, that I should communicate to them my views and wishes. I felt authorised to say but little, and I deemed it necessary, in what I should say, to endeavor to counteract the erroneous impressions by which they have been misled by pretended British agents.

I hope the President will see, in what I have said, nothing to disapprove. I feel persuaded a report of the various talks which I received from the chiefs, would shew the propriety of what I have said to them.—Such a report, I have not a moment's time now to make. The Indians are at this moment firing at our camp from the opposite line of the river.

I have the honor to be, most respectfully, your obedient servant,

(Signed) EDMUND P. GAINES,
Major Gen. Commanding.

Talk enclosed in 51. *a. (No.* 1.*)*

Chiefs and Warriors,

The President of the United States has been informed of the murders and thefts, committed by the hostile Indians, in this part of the country. He has authorized general Jackson to arrest the offenders, and cause justice to be done. The Indians have been required to deliver up the murderers of our citizens, and the stolen property; but they refused to deliver either. They have had a council at Mickasukee, in which, they have determined upon war. They have been at war against helpless women and children; let them now calculate upon fighting men. We have long known that we had enemies east of this river; we likewise know we have some friends; but they are so mixed together, we cannot always distinguish the one from the other. The President wishing to do justise to his red friends and children, has given orders for the bad to be separated from the good. Those who have taken up arms against him, and such as have listened to the bad talks of the people beyond the sea, must go to Mickasukee, Suwaney, where we wish to find them together. But all those who were our friends in the war, will sit still at their homes, in peace. We will pay them for what corn and meat they have to sell us. We will be their friends, and when they are hungry, we will give them meat. The hostile party pretend to calculate upon help from the British!

as well look for soldiers from the moon, to help them. Their warriors were beaten and driven from our country, by American troops. The English are not able to help themselves; how then should they help the old "Red Sticks," whom they have ruined by pretended friendship?

No. 51. *b.* (No. 2.)

General Gaines to major Muhlenberg.

Fort Scott, November, 1817.

SIR,

The waters having risen sufficiently high to enable you to ascend the river with all the vessels, I wish you to do so, though it should take longer than I had anticipated. You can avail yourself of the aid of lieutenant Scott's detachment to expedite your movement hither. Keep your vessels near to each other; and should you meet any insuperable obstacle, endeavour to apprise me thereof, and you shall have additional relief. Wishing to see you soon, with your fleet,

I remain with great regard, your obedient servant,

(Signed) E. P. GAINES.

To major Muhlenberg,
Comdg. the U. S. troops,
ascending Appalachicola river.

No. 51. *c.* (No. 3.)

Lieutenant Scott to general Gaines.

Spanish Bluff, 28th November, 1817.

SIR,

Enclosed you will receive major Muhlenberg's communication, which he directs me to forward to you by express, from this place. Mr. Ham-

bly informs me, that Indians are assembling at the junction of the river, where they intend to make a stand against those vessels, coming up the river. Should this be the case, I am not able to make a stand against them. My command does not exceed forty men, and one half sick, and without arms. I leave this immediately.

I am, respectfully,
Your obedient servent,

(Signed) R. W. SCOTT,
Lieut. 7th Infantry Comdg. detachment.

Note. The bearer of this is entitled to three dollars, on delivering this letter. The Indians have a report here, the Indians have beaten the white people.

No. 51—*d.*

General Gaines to Captain Clinch.

Head Quarters, Fort Scott,

November 30, 1817.

SIR,

You will embark with the party assigned you, on board the two covered boats; descend the river until you meet with lieutenant Scott; deliver to him a cover for his boat, and give him such assistance as in your judgment shall be necessary to secure his party, and expedite his movement to this place. You will then proceed with the residue of your command down the river, until you meet with major Muhlenberg, report to him, and act under his orders. You will in no case put your command in the power of the Indians near the shore. Be constantly on the alert, remember that United States' troops can never be surprised by Indians, without a loss of honor, to say nothing of the loss of strength, that might ensue.

To Captain Clinch, 7th Infantry.

No. 52.

General Jackson to the Secretary of War.

Head Quarters, Division of the South,

Bowleg's Town, Suwaney river,

20th April, 1818.

SIR,

My last communication, dated camp before St. Marks, 8th April, and those to which it referred, advised you of my movements and operations up to that date, and as I then advised you, I marched from that place on the morning of the 9th. On the evening of the 10th, I was joined by the rear of the Tennessee volunteers; also by the Indians under general M'Intosh, whom I had left at Mickasuky, to scour the country around that place. Although the weather has been dry and pleasant, and the waters had subsided in a great degree, our march might be said to have been through water, which kept the infantry wet to the middle, and the depth of the swamps, added to the want of forage, occasioned the horses to give out daily in great numbers. On the morning of the 12th, near Econfinnah, or natural bridge, a party of Indians were discovered on the margin of a swamp, and attacked by general M'Intosh and about 50 Tennessee volunteers, who routed them, killing 37 warriors, and capturing six men, and ninety-seven women and children; also recapturing a white woman who had been taken at the massacre of Scott. The friendly Indians also took some horses, and about 500 head of cattle from the enemy, who proved to be M'Queen's party. Upon the application of an old woman of the prisoners, I agreed that if M'Queen was tied and carried to the commandant at St. Marks, her people should be received in peace; carried to the upper tribes of the Creek nation, and there provisioned until they could raise their own crops. She appeared much pleased with those terms, and I set her at liberty with written instructions to the commandant of St. Marks to that effect. Having received no farther intelligence from M'Queen, I am induced to believe the old woman has complied with her part of the obligation.

From St. Marks, I marched with 8 days rations, those that joined me having but five; this was done under the expectation of reaching this place in that time, founded on the report of my faithful Indian guide, which I should have accomplished, but for the poverty of my horses, and the continued sheets of water through which we had to pass. On the morning of the 15th, my scouts overtook a small party of Indians, killing one man, and capturing the residue, consisting of one man and woman, and two children, and on that evening I encamped, as my guide supposed, within 12 miles of Suwaney. I marched very early on the 16th, under the hope of being able to encompass and attack the Indian and negro towns by one o'clock P. M. but much to my regret, at 3 o'clock, and after marching 16 miles, we reached a remarkable pond which my guide recollected, and reported to be distant six miles from the object of my

march; here I should have halted for the night, had not six mounted Indians, (supposed to be spies) who were discovered, effected their escape; this determined me to attempt by a forced movement, to prevent the removal of their effects, and, if possible, themselves from crossing the river, for my rations being out, it was all important to secure their supplies for the subsistence of my troops. Accordingly, my lines of attack were instantly formed and put in motion, and about sunset, my left flank column, composed of the second regiment of Tennessee volunteers, commanded by col. Williamson, and a part of the friendly Indians under col. Kanard, having approached the left flank of the centre town, and commenced their attack, caused me to quicken the pace of the centre, composed of the regulars, Georgia militia, and my volunteer Kentucky and Tennessee guards, in order to press the enemy in his centre, whilst the right column, composed of the 1st regiment of Tennessee volunteers, under col. Dyer, and a part of the friendly Indians, headed by general M'Intosh, who had preceded me, were endeavoring to turn his left, and cut off his retreat to the river; they however, having been previously informed of our force, by a precipitate retreat soon crossed the river, where it is believed col. Kanard, with his Indians, did them considerable injury. Nine negroes and two Indians were found dead, and two negro men made prisoners.

On the 17th, foraging parties were sent out, who found a considerable quantity of corn, and some cattle. The 18th, having obtained some small craft, I ordered general Gaines across the river with a strong detachment, and two days provision, to pursue the enemy; the precipitancy of their flight, was soon discovered by the great quantity of goods, corn, &c. strewed through the swamps, and convinced general Gaines that pursuit was in vain, nine Indians and five negro prisoners were taken by our Indians; the evidence of haste with which the enemy had fled, induced the general to confine his reconnoisance to search for cattle and horses, both of which were much wanted by the army. About 30 head of cattle were procured; but from the reports accompanying general Gaines, which will in due time be forwarded to you, and the disobedience of his orders, by the Indians, not one pound was brought into camp.

As soon as time will permit, I shall forward a detailed account of the various little affairs with the enemy, accompanied with reports of the commanding officers of the detachment. Suffice it for the present, to add that every officer and soldier under my command, when danger appeared, shewed a steady firmness which convinced me that in the event of a stubborn conflict, they would have realized the best hopes of their country and general.

I believe I may say that the destruction of this place with the possession of St. Marks, having on the night of the 18th captured the late lieutenant Armbrister, of the British marine corps, and, as represented by Arbuthnott, successor to Woodbine, will end the Indian war, for the present, and should it be renewed, the position taken, which ought to be held, will enable a small party to put it down promptly.

I shall order, or take myself a reconnoisance, west of the Appalachicola, at Pensacola point, where I am informed, there are a few Red Sticks assembled, who are fed and supported by the governor of Pensacola. My health being impaired, as soon as this duty is performed, the positions taken, well garrisoned, and security given to the southern frontiers, (if

the government have not active employment for me) I shall return to Nashville to regain my health. The health of the troops is much impaired, and I have ordered the Georgia troops to Hartford, to be mustered, paid, and discharged; the general having communicated his wishes, and that of his troops, to be ordered directly there, and reporting that they have a plenty of corn and beef, to subsist them to that point, I have written to the governor of Georgia, to obtain from the state, the necessary funds, to pay general Glascock's brigade when discharged, and that the government will promptly refund it. I am compelled to this mode to have them promptly paid, Mr. Hogan, the paymaster of the 7th infantry (for whom, I received from Mr. Brent, an enclosure, said to contain $ 30,000) not having reached me.

From the information received from Armbrister, and a Mr. Cook, who was captured with him, that A. Arbuthnott's schooner was at the mouth of this river, preparing to sail for the bay of Tamper, my aid-de-camp, lieutenant Gadsden, volunteered his services with a small detachment to descend the river and capture her; the importance of this vessel to transport my sick to St. Marks, as well as to destroy the means used by the enemy, induced me to grant his request; he sailed yesterday, and I expected to have heard from him this morning. I only await his report to take up the line of march on my return for St. Marks; the Georgia brigade, by whom I send this, being about to march, compels me to close it without the report of lieutenant Gadsden.

I have the honor to be,
Very respectfully,
Your most obed't. serv't.
ANDREW JACKSON.
Maj. Gen. commanding.

The Hon. John C. Calhoun,
Department of War.

No. 53.

General Jackson to the Secretary of War.

Head Quarters, Division of the South,
Fort St. Marks, 26th April, 1818.

SIR,

I wrote you from Bowlegs' Town on the 20th instant. On the night of the same day, I received the expected despatch from my aid-

de-camp, lieutenant Gadsden, communicating the success of his expedition; and on the next day, as soon as the sick of my army were despatched down the Suwaney river, to be conveyed in the captured schooner to St. Marks, I took up the line of march for that fort. I arrived at this place last evening, performing a march of 107 miles in less than five days. Lieutenant Gadsden had reached it a few hours before me. He communicates having found, among the papers of Arbuthnott, Armbrister, and Cook, letters, memorials, &c. &c. all pointing out the instigators of this savage war, and, in some measure, involving the British government in the agency. These will be forwarded you in a detailed report, I purpose communicating to you as early as practicable.

The old woman, spoken of in my last communication to you, who promised to use her influence in having M'Queen captured and delivered up, has not been heard of. From signs discovered on the opposite shore of the St. Marks' river, I am induced to believe, that the Indian party is still in this neighborhood. A detachment will be sent out to reconnoitre the country, to receive them as friends, if disposed to surrender, or inflict merited chastisement, if still hostile.

I shall leave this in two or three days for fort Gadsden, and after making all necessary arrangements for the security of the positions occupied, and detaching a force to scour the country west of the Appalachicola, I shall proceed direct for Nashville. My presence in this country can no longer be necessary. The Indian forces have been divided and scattered, cut off from all communication with those unprincipled agents of foreign nations, who had deluded them to their ruin. They have not the power, if the will remains, of again annoying our frontier.

I remain, &c. &c.

(Signed) ANDREW JACKSON.

No. 54.

Gen. Jackson to the Secretary of War.

Head Quarters, Division of the South,
Fort Gadsden, 5th May, 1818.

SIR,

I returned to this post with my army on the evening of the 2d instant, and embrace an early opportunity of furnishing you a

detailed report of my operations to the east of the Apalachacola river. In the several communications addressed you from Hartford, Fort Scott, and this place, I have stated the condition of the army on my assuming the immediate command; the embarrassment occasioned from the want of provisions; the privations of my troops on their march from the frontiers of Georgia; and the circumstances which compelled me to move directly down the Apalachacola river, to meet with and protect the expected supplies from New Orleans. These were received on the 25th March, and on the next day I was prepared for active operations. For a detailed account of my movements from that period to this day, you are respectfully referred to the report prepared by my adjutant general, accompanied with captain Hugh Youngs' topographical sketch of the route and distance performed. This has been principally a war of movements: The enemy cut off from their strong holds, or deceived in the promised foreign aid, have uniformly avoided a general engagement. Their resistance has generally been feeble; and in the partial rencountres, into which they seem to have been involuntarily forced, the regulars, volunteers, and militia, under my command, realized my expectations; every privation, fatigue and exposure, was encountered with the spirit of soldiers, and danger was met with a degree of fortitude calculated to strengthen the confidence I had reposed in them.

On the commencement of my operations, I was strongly impressed with a belief that this Indian war had been excited by some unprincipled foreign, or private agents. The outlaws of the old Red Stick party had been too severely convinced, and the Seminoles were too weak in numbers to believe, that they could possibly, alone, maintain a war with even partial success against the United States. Firmly convinced, therefore, that succor had been promised from some quarter or that they had been deluded into a belief that America dare not violate the neutrality of Spain, by penetrating to their towns, I early determined to ascertain these facts, and so direct my movements, as to undeceive the Indians. After the destruction of the Mekasukian villages, I marched direct for St. Marks. The correspondence between myself and the Spanish commandant, in which I demanded the occupancy of that fortress with an American garrison, accompanies this. It had been reported to me, direct from the governor of Pensacola, that the Indians and negroes, unfriendly to the United States, had demanded of the commandant of St. Marks a supply of ammunition, munitions of war, &c. threatening in the event of a noncompliance to take possession of the fort. The Spanish commandant acknowledged the defenceless state of his fortress, and his inability to defend it; and the governor of Pensacola expressed similar apprehensions. The Spanish agents throughout the Floridas had uniformly disavowed having any connexion with the Indians, and acknowledged the obligations of his catholic majesty, under existing treaties, to restrain their outrages against the citizens of the United States. Indeed they declared that the Seminole Indians were viewed

as alike hostile to the Spanish government, and that the will remained, though the power was wanting, to inflict merited chastisement on this lawless tribe. It was therefore to be supposed, that the American army, impelled by the immutable laws of self defence, to penetrate the territory of his catholic majesty, to fight his battles, and even to relieve from a cruel bondage, some of his own subjects, would have been received as allies, hailed as deliverers, and every facility afforded to them to terminate speedily and successfully this savage war. Fort St. Marks could not be maintained by the Spanish force garrisoning it. The Indians and negroes viewed it as an asylum, if driven from their towns, and were preparing to occupy it in this event. It was necessary to anticipate their monements, independent of the position being deemed essential as a depot, on which the success of my future operations measurably depended. In the spirit of friendship, therefore, I demanded its surrender to the army of the United States until the close of the Seminole war. The Spanish commandant required time to reflect; it was granted; a negotiotion ensued, and an effort made to protract it to an unreasonable length. In the conversations between my aid de-camp, lt. Gadsden, and the Spanish commandant, circumstances transpired, convicting him of a disposition to favor the Indians, and of having taken an active part in aiding and abetting them in this war. I hesitated, therefore, no longer. and as I could not be received in friendship, I entered the fort by violence. Two light companies of the 7th regiment infantry, and one of the 4th, under the command of major Twiggs, was ordered to advance, lower the Spanish colors, and hoist the star spangled banner, on the ramparts of fort St. Marks. The order was executed promptly, no resistance attempted on the part of the Spanish garrison. The duplicity of the Spanish commandant of St Marks, in professing friendship towards the United States, while he was actually aiding and supplying her savage enemies; throwing open the gates of his garrison to their free access; appropriating the king's stores to their use, issuing ammunition and munitions of war to them; and knowingly purchasing of them property plundered from the citizens of the United States, is clearly evinced by the documents accompanying my correspondence. In fort St. Marks, as an inmate in the family of the Spanish commandant, an Englishman, by the name of Arbuthnott, was found; unable satisfactorily to explain the objects of his visiting this country, and there being a combination of circumstances to justify a suspicion that his views were not honest, he was ordered in close confinement. The capture of his schooner, near the mouth of Suwany river, by my aid-de-camp, Mr. Gadsden, and the papers found on board, unveiled his corrupt transactions, as well as those of a captain Armbrister, late of the British colonial marine corps, taken as a prisoner near Bowlegs town. Those individuals were tried, under my orders, by a special court of select officers; legally convicted as exciters of this savage and negro war, legally condemned, and most justly punished for their iniquities. The proceedings of the court martial in this case, with

the volume of testimony, justifying their condemnation, presents scenes of wickedness, corruption, and barbarity, at which the heart sickens, and in which, in this enlightened age, it ought not scarcely to be believed that a christian nation would have participated; and yet the British government is involved in the agency. If Arbuthnott and Armbrister, are not convicted as the authorized agents of Great Britain, there is no room to doubt, but that that government had a knowledge of their assumed character, and was well advised of the measures which they had adopted to excite the negroes and Indians in East Florida, to war against the United States. I hope the execution of these two unprincipled villains will prove an awful example to the world, and convince the government of Great Britain, as well as her subjects, that certain, if slow, retribution awaits these unchristian wretches, who, by false promises, delude and excite an Indian tribe to all the horrid deeds of savage war.

Previous to my leaving fort Gadsden, I had occasion to address a communication to the governor of Pensacola, on the subject of permitting supplies to pass up the Escambia river to fort Crawford. This letter, with a second from St. Marks, on the subject of some United States cloathing, shipped in a vessel in the employ of the Spanish government, to that post, I now enclose with his reply. The governor of Pensacola's refusal of my demand, cannot but be viewed as evincing an hostile feeling on his part, particularly in connexion with some circumstances reported to me from the most unquestionable authority. It has been stated, that the Indians at war with the United States, have free access into Pensacola; that they are kept advised from that quarter of all our movements; that they are supplied from thence with ammunition and munitions of war, and that they are now collecting in large bodies to the amount of 4 or 500 warriors in that city. That inroads from thence have lately been made on the Alabama, in one of which 18 settlers fell by the Tomahawk. These statements compel me to make a movement to the west of the Apalachicola, and should they prove correct, Pensacola must be occupied with an American force, the governor treated according to his deserts, or as policy may dictate. I shall leave strong garrisons in fort St. Marks, fort Gadsden, and fort Scott; and in Pensacola, should it become necessary to possess it.

It becomes my duty to state it as my confirmed opinion, that so long as Spain has not the power, or will, to enforce the treaties by which she is solemnly bound to preserve the Indians within her territory at peace with the United States, no security can be given to our southern frontier without occupying a cordon of posts along the sea shore. The moment the American army returns from Florida, the war hatchet will be again raised, and the same scenes of indiscriminate murder, with which our frontier settlers have been visited, will be repeated. So long as the Indians within the territory of Spain are exposed to the delusions of false prophets, and the poison of foreign intrigue; so long as they can receive ammunition, munitions of war, &c. from pretended traders, or Spanish commandants, it will be impossible to restrain their outrages. The burning of their towns, the destroying of their stock and provisions, will produce but temporary embarrassments; resupplied by Spanish authorities, they may con-

centrate or disperse at will, and keep up a lasting predatory warfare against the frontiers of the United States, as expensive as harrassing to her troops. The savages therefore must be made dependent on us, and cannot be kept at peace without being persuaded of the certainty of chastisement being inflicted on the commission of the first offence.

I trust therefore that the measures which have been pursued will meet the approbation of the President of the United States. They have been adopted in pursuance of your instructions, under a firm conviction that they alone were calculated to insure "peace and security to the southern frontier of Georgia."

The army will move on the 7th from hence, crossing the Apalachacola river at the Ochesee bluff, about 30 miles above.

With respect, your most obedient servant,

ANDREW JACKSON,
Major Gen. Commanding.

The Honorable John C. Calhoun,
Secretary of War, Washington City.

No. 55.

General Jackson to the Secretary of War.

Head Quarters, Division of the South,
Fort Montgomery, June 2d, 1818.

SIR,

In a communication to you of the 5th of May, I detailed at length the operations of my army up to that period Leaving a strong garrison of regulars in forts Scott and Gadsden, I resumed my march, with a small detachment of the 4th regiment of infantry, one company of artillery, and the effectives of the Tennessee volunteers, the whole not exceeding twelve hundred men, to fulfil my intentions, communicated to you, of scouring the country west of the Apalachicola river. On the 10th of May, my army crossed that river at the Ochesee village, and after a fatiguing, tedious, and circuitous march of 12 days, misled by the ignorance of our pilots, and exposed to the severest of privations, we finally reached and effected a passage over the Escambia. On my march, on the 23d of May, a protest from the governor of Pensacola was delivered me by a Spanish officer, remonstrating, in warm terms, against my proceedings, and ordering me and my forces instantly to quit the territory of his catholic majesty, with a threat, to

apply force, in the event of a non-compliance. This was so open an indication of a hostile feeling on his part, after having been early and well advised of the object of my operations, that I hesitated no longer on the measures to be adopted. I marched for, and entered Pensacola, with only the show of resistance, on the 24th of May. The governor had previously fled to Fort Carlos de Barrancas, where it was said he had resolved upon a most desperate resistance. A correspondence ensued between us, accompanying this, marked A, detailing at length my motives for wishing, and demanding, that Pensacola and its dependencies be occupied with an American garrison. The package, marked B, are documents substantiating the charges, in part, against the conduct of the Spanish governor, having knowingly and willingly admitted the savages, avowedly hostile to the United States, within the town of Pensacola. The peaceable surrender of the fort at the Barrancas was denied. I marched for, and invested it, on the evening of the 25th of May, and on the same night, pushed reconnoitering parties under its very guns. On the morning of the 26th, a military reconnoisance was taken; and on the same night, a lodgment was made, under a fire from the Spanish garrison, by captain Gadsden, of the engineers, aided by captains Call, and Young, on a commanding position, within three hundred and eighty five yards of the Spanish work, and a nine pounder mounted. A howitzer battery was simultaneously established on the capitol, and within seven hundred and sixty yards of the fort, at day light on the 27th. The Spanish garrison opened their artillery on our batteries; a parley was sounded, a flag sent in, and the surrender of Fort Carlos de Barrancas again demanded; the favorable positions obtained were pointed out, and the inutility of resistance urged. Anxious to avoid an open contest, and to save the effusion of blood, the same terms previously offered, were again tendered. They were rejected, and offensive operations recommenced. A spirited and well directed fire was kept up the greater part of the morning, and at intervals during the afternoon. In the evening, a flag was sent from the Spanish commandant, offering to capitulate, and a suspension of hostilities was granted, until 8 o'clock next day, when the enclosed articles of capitulation marked C, were signed and agreed to. The terms are more favorable than a conquered enemy would have merited; but, under the peculiar circumstnnces of the case, my object obtained, there was no motive for wounding the feelings of those, whose military pride or honor had prompted to the resistance made. The articles, with but one condition, amount to a complete cession to the United States, of that portion of the Floridas hitherto under the government of Don Jose Masot.

The arrangements which I have made to secure Pensacola, and its dependencies, are contained in the general orders, and marked D. I deemed it most advisable to retain for the present, the same government to which the people had been accustomed, until such time as the executive of the United States may order otherwise. It was necessary however, to

establish the revenue laws of the United States, to check the smuggling which had been carried on successfully in this quarter, for many years past, and to admit the American merchant to an equal participation in a trade, which would have been denied under the partial operations of the Spanish commercial code. Captain Gadsden was appointed by me collector, and he has organized and left the department in the charge of officers, on whom the greatest confidence may be reposed.

Though the Seminole Indians have been scattered, and literally so divided and reduced, as no longer to be viewed as a formidable enemy; yet as there are still many small marauding parties, supposed to be concealed in the swamps of the Perdido, Choctawhatchey, and Chapouley, who might make occasional and sudden inroads on our frontier settlers, massacreing women and children, I have deemed it advisable to call into service for six months, if not sooner discharged, two companies of volunteer rangers, under captains M'Gird and Boyles, with instructions to scour the country between the Mobile and Appalachicola rivers, exterminating every hostile party who dare resist, or will not surrender, and remove with their families above the 31st degree of latitude.

The Seminole war may now be considered as at a close, tranquillity again restored to the southern frontier of the United States, and as long as a cordon of military posts is maintained along the Gulf of Mexico, America has nothing to apprehend from either foreign or Indian hostilities. Indeed sir, to attempt to fortify, or protect an imaginary line, or to suppose that a frontier on the 31st degree of latitude, in a wilderness, can be secured by a cordon of military posts, while the Floridas lay open to an enemy, is visionary in the extreme.

Under this firm belief, I have bottomed all my operations. Spain had disregarded the treaties existing with the American government, or had not power to enforce them. The Indian tribes within her territory, and which she was bound to keep at peace, had visited our citizens with all the horrors of savage war; negro brigands were establishing themselves, when and where they pleased; and foreign agents were openly and knowingly practising their intrigues in this neutral territory.

The immutable principles therefore of self defence, justified the occupancy of the Floridas, and the same principles will warrant the American government in holding it, until such time as Spain can guarantee by an anequate military force, the maintaining her authority within the colony.

A topographical sketch of the country, from the Apalachacola to Pensacola, accompanies this. Captain Young will prepare, as soon as practicable, a topographical memoir of that part of the Floridas, in which my army has operated, with a map of the country.

Captain Gadsden is instructed to prepare a report on the necessary defences of the country, as far as the military reconnoisance he has taken will permit; accompanied with plans of existing works, what additions or improvements are necessary, and what new works should, in his opinion, be erected to give permanent security to this important territorial addition to our republic.

As soon as this report is prepared, captain G. will receive orders to repair to Washington City, with some other documents which I may wish to confide to his charge.

At the close of a campaign which has terminated so honorably, and happily, it gives me pleasure to express my approbation, generally, of the officers and soldiers of every species of corps, which I have had the honor to command. The patience with which they endured fatigue, and submitted to privations, and the determination with which they encountered, and vanquished every difficulty, is the strongest indication of the existence of that patriotic feeling, which no circumstances can change, and of that irresistible ardour in the defence of his country, which will prove her strength and bulwark under any experience. I should do violence to my feelings, if I did not particularly notice the exertions of my quartermaster general, colonel George Gibson, who, under the most embarrassing circumstances, relieved the necessities of my army, and to whose exertions, was I indebted for the supplies received. His zeal and integrity in this campaign, as well as in the uniform discharge of his duties since his connexion with my staff, merits the approbation and gratitude of his country.

With respect,

Your most obedient servant,

(Signed) ANDREW JACKSON,

Maj. Gen. commanding.

The Hon. J. C. Calhoun,
Secretary of War.

No. 56.

Thomas Wayne, esquire, to B. Homans, esquire.

Extract of a letter from Thomas Wayne, esquire, purser on board the United States' brig Saranac, dated St. Mary's River, September 27, 1817, to Benjamin Homans.

"On our arrival here, we found general M'Gregor in command of Amelia Island. A few days afterwards, he decamped, and embarked on board the privateer M'Gregor, formerly the St. Joseph."

"The noted Woodbine, of infamous memory, arrived here from Nassau, with a view, as was said, to join the patriots; but his friend, M'Gregor, having left the cause, he was disappointed, and embarked with M'Gregor, who sailed a few days since, for Nassau, to commence some new expedition, which, it is generally supposed,

will be to the bay of Espirito Santo, or bay of Tampa, in latitude 28 degrees 15 minutes north, and longitude 76 degrees 30 minutes west, This is an extensive bay and capable of admitting ships of any size, contiguous to which are the first lands in East Florida which Woodbine pretends, belong to him, by virtue of a grant from the Indians. He says he has surveyed the whole of the Gulf of Mexico, and Tampa bay is the only place into which large ships can enter."

No. 57. *a.*

Extracts from Message, 26th March, 1818. *Pages 7, 9, 10, 12.*

Extracts of a letter to the Secretary of State, dated Dec. 24, 1817. (p. 10.)

"My informants, I have no doubt, are possessed of as much information of the views and plans of M'Gregor and Woodbine, as any person in the United States." "They sailed from Amelia in September, in company with a schooner belonging to Woodbine, he being on board. Some time after they had got to sea, general M'Gregor and family were put on board the schooner with Woodbine, and steered for New Providence."

"From what has been written, it may readily be supposed, that my friends had an opportunity of learning something of the plan of the future operations of M'Gregor and Woodbine, and they believe it to be as follows: Woodbine persuaded M'Gregor, that he could find friends and funds in New Providence, and that a British regiment had lately been disbanded there, that they would pick up as many of the soldiers as possible, and with what negroes and others they could gather, would make a tolerable force. They were then to sail for Tampa Bay, a fine harbor to the northwestward of Cape Florida, where they were to be joined by 1500 Indians, already engaged to Woodbine, and invade Florida from that point, they are then to march across, and attack St. Augustine."

No. 57. *b.*

Instructions for sailing in Tampa Bay, in M'Gregor's handwriting, enclosed in the letter of December 24, 1817.

The vessels must be at Tampa Bay, commonly called Espiritu Santo. I calculate to be at Tampa Bay, by the latter end of April, or first day of May, 1818. There are three bars, the northernmost bar is best, having five fathom water; keep on the larboard shore, going in. There is a small sandy key betwixt the northern and middle channel; upon this sandy key there will be a flag staff; and on hoisting your signal, will be answered by the Florida flag, and a pilot will come off.

No. 57. *c.*

Extracts of a letter to a gentleman in the District of Columbia. (Message, p. 7.)

Baltimore, 30th July, 1817.

Allow me now to relate in detail the particulars of my intercourse with general M'Gregor, whilst in this city, in regard to his objects. He declared his object to be, in the first place, to take possession of Amelia.—Thence to wrest the Floridas from Spain, when he should immediately call on the inhabitants, by proclamation, to designate some of their most respectable fellow-citizens to form a constitution on the model of some of the adjoining states. That so far as it might depend on him, he would encourage the existing disposition of the people in that section, to confederate with the United States; leaving it to the will and policy of this (our) government, and to political circumstances, as they might arise, to indicate the most favorable time for their admission into the Union.

No. 57. *d.*

From G. M'Gregor to the writer of the above, dated Nassau, 27th December, 1817. *(p. 9.)*

"You know my objects." "On the other side, you have the extract of a proclamation about to be published by the person in charge of making the settlement. I leave this to-day for England, to arrange my private affairs, which, from the many years that I have been in South America, have not improved by my absence: my family remains here until my return."

No. 57. *e.*

Extract from Proclamation. (p. 10.)

"Inhabitants of the Floridas! I expect soon to see general M'Gregor among you again, he was animated by a sincere wish for your happiness, and only desired to see you free from the yoke of Spain, in order that you might legislate for yourselves."

No. 58.

Extracts from the Minutes of the Proceedings of the Court Martial, in the trial of Armbrister.

From the examination of John Lewis Phenix, a witness on the part of the prosecution.

Question by the Court. Did you ever understand by whose authority, and for what purpose the accused came into the country?

Answer. I have frequently heard him say, he came to attend to Mr. Woodbine's business at the bay of Tampa.

From the examination of John J. Arbuthnott, a witness on the part of the prosecution.

"And that the prisoner stated to him, that he had come to the country on Woodbine's business, to see the negroes righted."

Question by the Prisoner. Did you hear me say that I came on Woodbine's business?

Answer. I did."

From the examination of Peter B. Cook, a witness on the part of the prosecution.

"The prisoner told the witness, that he had been a lieutenant in the British army, under colonel Nicholls. The prisoner was sent by Woodbine to Tampa, to see about those negroes, he had left there. The prisoner told the witness that he had written a letter to governor Cameron, for ammunition for the Indians, some time in March, and also told the witness, that he had a commission in the Patriot army, under M'Gregor, and that he had expected a captaincy."

No. 59.

Armbrister's Memorial to the Duke of York.

BAHAMA ISLAND.

To his Royal Highness, Frederick, Duke of York, Commander in Chief, &c. &c. &c.

The memorial of Robert Chrystie Armbrister, of the Island of New Providence, gentleman, humbly sheweth:

That your memorialist, a British subject, and son of James Armbrister, Esquire, lieutenant colonel, and commanding the militia of New Providence, having served for nearly four years past, as midshipman in the British navy, on board H. M. ships Sparrow, captain Edward Burt; Rhodean, captain George Mowbray; Reindeer, captain J. P. Douglass; and Bramble, captain William P. Poyson; from which last mentioned ship he obtained his discharge, in England, in 1813, and returned to the island of New Providence, where his friends reside, that major Nicholls, of the royal marines, having shortly after arrived at the said island of New Providence, in H. M. ship Hermes, in company with H. M. ship Carron, for the purpose of raising recruits for a corps, denominated the corps of Colonial Marines, destined to serve during the American war, in such parts of the Indian territory, bordering upon the United States of America, or in the states themselves, as circumstances should render it necessary; your memorialist applied for and obtained a commission of auxiliary second lieutenant in that regiment, which he immediately joined, and proceeded, under the command of the said major Edward Nicholls, to Apalachicola, from whence he proceeded to the Creek nation, where he served until those forces were disbanded upon the termination of hostilities with the Americans, when he returned to the said island of New Providence.

And your memorialist further sheweth, that having been assured by the said major Nicholls, at the time of his accepting the above mentioned commission, (a copy of which he begs leave to annex,) that he had no doubt, but that he would be placed upon half pay when his services were no longer required; your memorialist is desirous either of obtaining half pay, or of being more actively employed, and of obtaining a commission either in one of H. M. West India regiments, or in such other of H. M. regiments, as to your royal highness shall seem fit.

Your memorialist therefore humbly prays your royal highness to take into your consideration this his memorial, and he shall ever pray.

ROBERT C. ARMBRISTER.

No. 60.

Armbrister's Commission.

Auxiliary second lieutenant.—By the honorable sir Alexander Cochrane, knight of the Bath, vice admiral of the red, and commander in chief of his majesty's ships and vessels employed, and to be employed, on the North American station, &c. &c.

[L. S.]

[ALEXR. COCHRANE.]

To Mr. Robert C. Armbrister, hereby appointed auxiliary second lieutenant of the corps of Colonial Marines, to be raised upon the continent of North America.

Whereas, I have thought fit to send a detachment of the royal marine corps to the Creek Nations, for the purpose of training to arms, such Indians and others as may be friendly to, and willing to fight under the standard of his majesty: I do, by these presents, constitute and appoint you an auxiliary second lieutenant, of such corps of colonial marines as may be raised upon the continent of North America, to hold such local rank while actually employed upon the said continent, until further orders. You are, therefore, carefully and diligently to discharge the duty of auxiliary second lieutenant, by exercising and well disciplining, both the inferior officers and marines of the said corps; and I do hereby command them to obey you, as their second auxiliary lieutenant. And you are to observe and follow such orders and directions from me, or any other of your superior officers, according to the rules and disciplining of war, in pursuance of the trust hereby reposed in you.

Given under my hand and seal, at Bermuda, this twenty-fifth day of July, 1814, in the fifty-fourth year of his majesty's reign.

By command of the vice admiral.

(Signed) WM. BALHETCHET, *Secretary.*

No. 61.

P. B. Cook to Eliz. A. Carney.

Sahwahnee, January, 19th, 1818.

My dear Amelia,

I have embraced this opportunity of writing you, hoping to find you well, as leaves me at present, and I am very sorry to inform

you of the times at present. We are threatened every day by the d—d Americans. Not threatened only but they have made an attempt; but we stopped. On 1st December, I marched with thirty men to go against them. After seven days march, we arrived at the fort. And after our men got rested, I went against it. We had an engagement for four hours, and seeing we could do no good with them we retreated and came off. The balls flew like hail stones; there was a ball that like to have done my job, it just cleared my breast. For six days and six nights we had to camp in the wild woods, and it was constant raining night and day, and as for the cold I suffered very much by it, in the morning the water would be frozen about an inch thick. There was a boat that was taken by the Indians, that had in thirty men, seven women, four small children. There was six of the men got clear, and one woman saved, and all the rest of them got killed. The children were taken by the heels, and their brains dashed out against the boat. We have got Mr. Hambly and Doyle prisoners, and we are going to send them to Nassau to stand their trial, as they have caused all this disturbance. Hambly told me that it was published in the American newspapers that they were to take possession of the nation in March, and if that be the case you will see us sooner than you expected. And if they should come when the vessel is away, we shall have to take and run in our canoes, as we have some very fine ones here. One knows not hardly what to do for those d—d puppies as we may call them, for they are no better.

We find that what I have mentioned is all damned lies. But Arbuthnott has threatened my life once or twice, but on my return I will punish him by the law. You must excuse my bad writing as I am in a hurry. Give my love to your mother and your sister and Mrs. Roberts and all inquiring friends. I have nothing more to say at present, as times will not admit.

I remain yours forever.

[Signed] PETER B. COOK.

[*Addressed on the back to*]

Miss E. A. Carney, Nassau, New Providence.

No. 62.

Arbuthnott to W. Hambly.

Okolokne Sound, the 3d May, 1817.

Mr. William Hambly,

SIR,

On my return here this day, I received a letter signed by you, and dated the 23d March last. As you have taken th trouble of ad-

vising me, you will, of course, expect my reply; and I embrace the opportunity of doing it at length: first let me premise, sir, that when you lived at Prospect Bluff. a clerk to Messrs. Forbes and Co. you did not consider Cappachimico, M'Queen. or any other of the chiefs of the lower Creek nation, as outlaws; does the man whom the attachment of Cappachimico has saved from the hands of retributive justice, presume to call him an outlaw? for shame sir—the most hardened villain would not thus calumniate the savior of his life. Your generous friend sir, and the other chiefs have called me to this country; they insist on the fulfillment of my promise, and as an *honest man*, I will endeavor to do it. Let *your* arm of justice fall on the guilty; an honest and upright man who harms no man, and endeavors to do all the good he can, fears no man or judge; his acts are open to inspection, and will bear the test of scrutiny. Thus, sir, I answer your insinuation, that since my arrival in this country, I have instigated persons to steal and murder. Ask the lieutenant commanding at fort Gaines, if the letter I wrote him bears the features of an instigator to murder? Ask Opoy Hatcho, if the recommendatory note I sent him, by order of Oponey, breathes the strains of a murderer? Ask Oponey himself, if my language and advice to him, was that of a murderer? Ask Mappalichy, a chief residing on the Ocmulge among the Americans, what my advice was. All those will contradict your vile insinuation. But Mappalichy informed me the Conhittas were all pleased with the letter, and my note Oponey sent them, and perfectly accorded with my sentiments, of living as brethren, and as one large family, respecting their neighbors, but at the same time, at all times ready to protect their property. Yet several of them, a few days afterwards, (no doubt influenced by *some humane and good man*) recanted their promise, and ordered a letter to be written me; which letter I presume, I have this day received, signed by you. Now sir, if your principles were as humane as mine, if you took as much pleasure in fostering any spark of friendship, the upper Indians may show to their brethren of the lower nation, as you do in fomenting the quarrels between them, you would then be their friend and benefactor. You, sir, that speak their language fluently, have much in your power, but I fear, you use that power to the injury of all, and eventually, to your own ruin. Let me advise you to change your tone and mode of acting; how much more creditable would it be, for you to propagate friendly actions, and create an attachment among the Indians of all nations, one to the other, than to endeavor to foment quarrels, and have your emmissaries in every quarter of the nation spreading false reports, tending to harrass and disturb them. Now, sir, with regard to your and Mr. Doyle's reporting that I am no Englishman, and only one of those wild adventurers who risk life and property for *lucre*, be pleased to come down to Okolokne, and I will show you a letter, written by earl Bathurst to governor Cameron, (and which I received from him, to read to the chiefs of the Creek nation) an answer to a letter I believe written by you, early in the spring of 1816.

I shall not reflect on the part you took in blowing up the fort at Prospect Bluff; it is not my business. I know the blacks used you shamefully, as they did all that went near them, yet I think the revenge you took savors much of savage.

Do not think sir, that I am to be frightened away from this place, while I have the protection of the Spaniards, and the support of honest men. An upright man is not easily daunted.

I keep a copy of this letter, and send a copy of yours with my answer, to Opoy Hatcho, and as I am with daily expectation of letters from New Providence, perhaps they may induce me to write you farther.

I am Sir,

Your obt. servt.

A. ARBUTHNOTT.

The murders and thefts you talk of, I do not believe. There are a parcel of outlaws, calling themselves Americans, who are continually coming into the nation, stealing cattle, &c. and lately, I hear, one was killed out of three, *and his horse taken, and publicly sold,* while in the act of stealing and driving off cattle.

A. A.

No. 63.

Indian Talk.

To our good brother the chief Tustonaky Thlucco, the Big Warrior.

Your brothers, chiefs of the Creek nation, whose names are put to the talk we now send you, have found it necessary to hold the same, that their sentiments and opinions may be known to all their red brethren of the four nations, and stop the mouths of bad men, who are continually sending false and bad talks to us, as well as to our brethren, for the purpose of making ill blood between us. Know then, we have met at Okolokne Sound, with our warriors and young chiefs, and have held our talk, which is this:

The red brethren of the four nations are all descended from the same fathers, and ought to live as brothers; and for this reason, we now take them by the hand, to live henceforth at peace, and united to each other, and let no bad talks be listened to, or come among us.

When colonel Nicholls, the English officer, was last among us, went away, he gave us a good talk, desiring us to live well with all our brethren, and never permit ill blood to be between us, and to respect the Americans that were our neighbors, and not molest or permit our people to steal. We have carefully kept this talk, followed his advice, &c.

It is nearly three years since we received a white bead from the Cherokees. We have held it sacred, and it has been in our at all our talks; we now send you, that you may forward to their head Minichico Mico, a pipe from his old friends; you will also send him the present talk, and from him let it be sent to the Chicasaws, and from them to the Choctaws.

Colonel Nicholls promised us to send people from England to keep stores in different parts of the nation, to furnish us with goods; he had found people willing to come, but when they heard that the fort of Apalachicola was destroyed, they were fearful of coming, and withdrew their promise.

Let us protect all white men that give us good talks, but let us not regard or listen to those who give us bad ones, but rather send them from among us; for he must be a bad man who wishes ill blood between brothers.

From this time, therefore, let us not listen to any bad talks; let us all hold each other fast by the hand of peace, and each brother hold the other in his heart.

This is sent with a good will, and will be kept by us.

Opoithlamico
Cappachimico
Inhimathlo, Fowltown
Charle Tustonaky
Otos Mico
Ochacona Tustonaky
Euchy Tustonaky
Imathluche
Inhimathluche, Palo Chipely
Laboihimathlo
Homathle Mico
Talmuches Hatcho
Hillisajo.

sp.

No. 64.

Arbuthnott to Mr. Bagot.

[Found with Arbuthnott's papers.]

The hon. Charles Bagot,

His Britannic Majesty's Ambassador, Washington.

SIR,

On my return to this from the Indian nation, about a month since, I received a letter from Mr. Moodie, annexing an extract from a letter of your excellency, and which in future shall be attended to, when I have occasion to write on Indian affairs.

As I am now especially authorized by the chiefs, whose names I beg leave to annex to the present, to make such representations as may be of service to the nation; and learning by the copy of a letter from the right honorable earl Bathurst, handed me by his excellency governor Cameron, that your excellency is instructed to watch over the interests of the four nations, I shall take the liberty to lay before your excellency such matters as have come under my own observation, and what has been reported to me by chiefs, in whose veracity I can place some confidence. On my arrival at Okolokne Sound last January, I was met by several of the principal chiefs, who reiterated the complaints that were stated to your excellency in their letter of last November. On the Chattachouche particularly, they stated the Americans were descending in numbers, driving the poor Indian from his habitation. The report was confirmed some weeks after, by Otis Mico, the chief of the town of Elan Hallaway, on the Chattahouchy, who informed me, that the officer commanding at fort Gaines had repeatedly sent messages to him, desiring he would submit to live under the American government, and threatened, that his non-compliance would force him to turn the guns of the fort against the town and drive them out; these threats and swarms of American settlers descending, drove the poor Indians from their homes, and thirty-six fields in a state of cultivation, were occupied by the new settlers; and where the houses stood, the plough has passed over.

On the Choctahatchy, which is far within the Indian territory, Americans have formed a large settlement, which, if persisted in, will soon drive the Indians to the extremity of the peninsula.

Agreeably to the treaty between Great Britain and America, the latter were to confine themselves to the same boundaries they enjoyed in 1811, prior to the war—this they have not done, but encroached on almost every point of the Indian territory; the chiefs think that it is impossible the conduct of the persons acting so contrary to the

treaty, can be known to the American government; and the more to blind the government, and to mislead them as to the true state and disposition of the Indians, they are continually spreading reports in the public Gazettes of Georgia, &c. of cruelty committed by the Seminole Indians, on inhabitants living on the borders of the United States; whereas, it is persons with back settlements of Georgia, who enter the Seminole territory in large parties to steal cattle, which they frequently drive off in gangs of 50 and 100 at a time, and if in these excursions the Indians meet them, and oppose these predatory plunders, blood sometimes has been spilt, which was the case in April last, when a party of Mickasuky Indians, met three men driving off cattle, and attacked them, killing one, and retaking the cattle. But those blood-thirsty, back settlers of Georgia, soon retaliated on the poor Indians, for early in June they returned to plunder, and meeting with an Indian encampment, they killed one man, another making his escape, they pursued him to another encampment, where they killed two others and a boy; the boy they scalped. Early in July, a head man of the town of Sahwahnee, was killed on St. John's river while hunting, but the chief does not reckon the persons who killed him, true Americans. For the better showing your excellency how those poor Indians are abused, I beg leave to enclose you paragraphs taken from American papers, the whole of which are complete fabrications, tending to mislead the American government. I also beg your excellency's attention to a letter from an American officer dated at fort Gaines. with Cappachimico, the head chief of the Seminoles' answer thereto, but notwithstanding it is stated to be by authority of the President of the United States, the gentleman waited no time to receive an answer, but prior to the chief's messenger arriving at the fort, had continued his road for St. Mary's, leaving them ignorant of what talk he was authorized to give them, and I have since learnt, that Mr. Dinkins was an officer of general Jackson's staff, travelling through the nation.

No. 65.

A. Arbuthnott, to a person of rank in England; taken from the (London) Times newspaper, of 7th August, 1818.

Sawahnee, Lower Creek Nation,

January 30, 1818.

When I last took the liberty of writing to you, by the desire of the chiefs of the Creek nation, I little expected that war would so

soon have commenced between the Americans and them; it is, however, actually begun, by the wanton aggressions of the former, in an attack on Fowl Town, during the night. Though this wanton attack has been disavowed by general Mitchel, the American agent for Indian affairs, and he has made reparation for the injury and loss sustained by Inhilmathla, and his people, yet the continued aggressions of the Americans, and the numbers pouring into the nation, not from the land side alone, but from Mobile, and elsewhere, by the Appalachicola river, have compelled the Indians to take arms as their only resource from oppression.

Your friend Hillisajo, has been called by his people to put himself at their head, and he is now encamped at Spanish Bluff, the residence of Doyle and Hambly, which is now in the possession of the Indians, with from 1000 to 1200 men; those men are principally Red Sticks, who are scattered about in the nation, and who have collected and put themselves under his command, with a few hundred Upper Indians, who have joined them.

I cannot allow myself to believe, that those encroachments on Indian territory, are made with the knowledge of the American government, and general Mitchell's conduct and message to Kinadjee, assure me it is not so. But there are persons who wish to get hold of the Indian lands, and they stick at no means, however cruel and oppressive, to obtain their ends. General Gaines's letter of August last, to Kinadjee, clearly shows that he and general Jackson are determined, if possible, to get hold of the whole Indian lands. After falsely accusing them of murders, thefts, burning houses, &c. he says, but there is something out of the sea, a ——, with forked tongues, whip him back before he lands, for he willl be the ruin of you yet. Perhaps you do not know what or whom I mean. I mean the name of Englishman.

The other contents of this letter, plainly show me that those two generals have formed a plan of possessing themselves of the whole Indian lands. That this plan has originated with Forbes, Innerarity's, or those of their subordinate agents, I have little doubt, as every part of the conduct of those inferior actors, shows they have been employed for the express purpose of rooting out the poor Indian from his paternal inheritance. The report of Hambly having made sales, in the name of the chiefs, of all the lands from Pensacola to St. Augustine, comes from St. Marks' fort. I shall soon be there, and learn from what source they derive their information.

That false and improper sales have been made, I have no doubt; without such had been the case, the Americans would have never poured into the Indian nation by the Appalachicola.

It is reported that John Forbes has withdrawn from all Indian concerns; but the Innerarity's are enough, with their subordinate agents, to disturb the whole Indian nation; and I have not the least doubt, that through them the present troubles come.

The chiefs have written to governor Cameron, for a supply of munition, and which Kinadjee informs me, Hillisajo, when in England, had orders to demand, in case of actual need. It is really necessary the English government should do something for those people. In the late war they drew them into their quarrel against America; at the peace, they agreed to see them protected in their rights and privileges, and placed on the same footing as before the war; since then, they have never troubled themselves about them, thinking it enough, that his majesty's ambassador had orders to see that those people were protected in their rights and privileges. But how is his excellency, the British ambassador, to know if the Indian is righted, and permitted to live quietly on his own land? He interdicts the correspondence of any private individual, on Indian affairs, unless it can be put into his hand, without any expense. Does he expect a true account of what passes in the Indian nation, from the American government, or from the hireling gazettes of the towns of upper Georgia? It is the interest of both to deceive, and unless the door is opened for British subjects to speak what they know, and instruct his excellency of such matters, respecting the Creek nation, as they are certain to be true, he can never have the means of judging what is proper to be done.

I have, by desire of the chiefs, written to his excellency, the honorable Charles Bagot, on their affairs, and also governor Cameron, with a demand for a small supply, of which they stand greatly in need. I trust, Sir, you will make such representations to his majesty's government, as the circumstances of the case require, that those unfortunate people, *who look up to you as their friend*, may soon rest peaceably and quiet in their country.

You will pardon the liberty I take, which nothing but the pressing solicitations of Kinadjee, would have induced me to take, and, with much respect,

I am, Sir, your most obedient servant,

[Signed] A. ARBUTHNOTT.

No. 66.

Boleck to governor Coppinger.

[*Translation from the Spanish translation received from governor Coppinger, and communicated by Mr. de Onis, enclosed in his letter of the 27th March, 1818, to the Secretary of State. For the original in English, see No. 49, (court martial proceedings) No. 2.*]

SIR,

I had the honor of receiving your letter of September, but the impossibility of finding a person to write an answer, is the cause of this apparent neglect.

I shall be very happy to keep up a good understanding and correspondence with you, and I hope you will, when occasion offers, advise me of such things as may be of service to myself and my people. My warriors and others who go to St. Augustine, return with false reports, tending to harrass and disturb my people, and prevent them attending to their usual avocations. At one time, the Americans, supported by a force of 3000 men, and such of our brethren, as they have compelled to join them, are running lines far within our territory; at another, they are collecting a large force at fort Mitchell, in the forks of the Flint and Chatahouchie rivers, to fall on the towns that may not join them. Now, Sir, we know of no reason they can have for attacking an inoffensive and unoffending people, whose wish it is to inhabit their woods without disturbing or being disturbed by any one. We have none of their slaves; we have taken none of their property, since they made peace with our good father king George. We have followed the orders of the officer of our father, who was among us, colonel Edward Nicholls, and in no wise molested the Americans, though we daily see them encroaching on our lands, stealing our cattle, and murdering or carrying off our people. We were told by the same officer, that as allies of our father, we were included in the treaty of peace between our good father and the Americans, and that the latter were to give up all the territory that had been taken from us before the war; but so far from complying with the 9th article of that treaty, they are making daily encroachments, and forging treaties, (which they pretend are concluded with our people) for cessions and grants of lands, which never were in existence, and the signatures of which are unknown to the chiefs of the Creek nation, who alone have a right to assign or transfer the common property. The want of a proper person among our people, to acquaint us with these transactions, is the cause of our long silence on them, and leads the world, as well as our friends, to think we are in league with the Americans.

The principal chiefs of the nation assembled lately at my town of Suhwahnee, and resolved to inform the minister of king George at Washington of our grievances, and of the conduct and usurpation of the Americans, which was accordingly done, and copies sent to England. Until we have one or more persons among our people to watch over our rights and interests, we shall continue to be exposed to the same conduct on the part of the Americans, whose system appears to be, the destruction of our peace and tranquillity, and expelling us from our native land.

You desire that I would chase off those who steal my cattle, &c. Some of my people have lately driven away several Americans who were endeavoring to settle at Lachua, and I do not doubt they will represent that as an act of hostility, although you well know that Lachua is in the heart of my territory, and was, until the Americans

killed my brother, our chief town. I return you my thanks for your letter,

And am with great respect,

Your most obedient humble servant.

BOLECK, his x mark.
Chief of the Seminole nation.

At Sahwahnee, 18th November, 1816.

No. 67.

Governor Coppinger, to the Chief Boleck (Bowlegs.)

Friend and brother Boleck,

Your letter of the 18th of November was delivered to me yesterday by one of your servants, in which you inform me of the receipt of mine of the 26th September last, and other circumstances which give you and your warriors uneasiness. I see with pain that the whole comes from the information of persons in whom you ought not to place the smallest confidence, it being their principle to employ such opportunities for the purpose of seducing you and your people from their daily labors. In consequence of this, and of what you tell me of your desire, to keep up the best understanding and correspondence with me, and of your hope that the opportunities will not be wanting, let me give you such counsel as may be useful to you, your people and warriors. I will do so from the sentiments of sincere friendship I bear towards you, fearful however that the sentiments of others who came into the territory under the appearance of friendship, but with bad intentions, may influence your minds and obtain your confidence, by their flattering representations. It is ascertained here, that two persons have lately presented themselves as commissioners of the English nation, who have carried off several runaway negroes, belonging to subjects of the king my master, and your friend, among whom was one of Don Francisco Pellicer's, and another of Mr. Bunck's, both inhabitants of this province. This did not seem credible to me, as I could not suppose that so good a friend to our nation as you are, could consent to such proceedings; but in case they have really happened, you will be sensible of their great impropriety and of the just grounds of complaint on the part of the persons so in-

who are desirous, as well as myself of assuring you of the sin-

cere good will and friendship we have for the Seminole tribe of Indians of which you are the chief.

I am with great respect,
Your most affectionate and faithful servant.
[Signed] JOSE COPPINGER.

Friend and brother Boleck chief of the Seminole tribe of Indians.
St. Augustine, in Florida, 20th December, 1816.

A true copy.

No 68.

Copy of a sheet of Arbuthnott's Journal, found among his papers.

October 23d (continued.) They had a long talk with Capt. W. and stopped all night—this day meridian, observed in 29, 21, Suahnach bearing N. E. 3 miles—24th Started with two men in boat to survey if any entrance to the west branch of the river, found all shallow, pulled boat over the mud and entered W. branch—made poles to mark the easternmost outlet, and descended, but could not this day find the direct channel through the oyster bank, the tide having flowed too much—25th At 2 A. M. wind shifted to east, and by 8 A. M. to S. E. when we got under way, and stood off to sea, wind freshning and a nasty short sea rising; at 10 tacked in shore, 3 fathoms—Suahnach N. E. 7 miles, the north point of the bay N. 10 miles, Ceder Keys south 7 miles—from sundown to midnight, heavy squalls with rain and much thunder and lightning; at anchored in 4 fathoms, no wind and heavy swell; 26th first part rainy and squally, at 10 A. M. got under weigh, Cedar Keys just in sight from deck; stood E. N. E. and at 2 P. M. hove too to wait for canoes seen coming off; came to anchor in 2 fathoms, 6 canoes came on board full of Indians and blacks, Billy and Jack among them, with several negroes that were at the Bluff, found that Bowlegs and Doherty had started in a canoe last night; this day at meridian, observation good, 29, 13 Cedar Keys the outermost bearing E. S. E. 6 miles; at 6 P. M. Bowlegs with retinue consisting of 5 canoes, came on board, and continued all night, had a very long talk with Capt. W. 27th. The brother in-law of Bowlegs desired captain W. to listen to what he had heard from the Spaniards, of the Americans intention of attacking them, they wished to live quietly and attend to their cattle &c. but could not for the Americans and revolted Spaniards, who daily killed their cattle

&c. &c. This day bought six D. skins, 16 R. skins and 3 lb. wax, pd. in Tafia. Bowlegs and retinue left me at 2 P. M. Captain W. had started about an hour before for Suahnach, at 8 P. M. began to blow fresh from S. E. continued blowing all night. 28th at 2 P. M. got under weigh and stood to sea. 29th Wind N. W. blowing hard and squally, all day beating off and on, double reefed foresail, reefed main sail &c. at 4 P. M. struck on a shallow bank, 6 miles S. E. from the mouth of the river, bore up and stood off, lowered jib and mainsail, and repaired latter, which had given way near the gaf, wore and stood in shore and came to anchor in 14 feet water, great Cedar Key bearing S. E. 6 miles. 30th, at 7 A. M. got under weigh and stood for the entrance, between the two large Keys, luffing and bearing away so as to keep in 2 fathoms, came to anchor at 9 A. M. a mile and half from Islands, captain went to sound channel, returned and reported channel to the southward and that the large island must be brought to bear N. E. At 11 A. M. a canoe, 2 men, 3 women and their children from Cape Anetole; got under weigh, rounded the bank and grounded between two banks. where we lay all night. 31st Oct. warped into a deep channel with much difficulty, drawing her through the mud, wrote W. and Auchisee Indians, and also fishermen; cut poles to stake out channel. 1st Novem. wind N. E. extremely cold, again warping but did not succeed in getting into anchorage, observed meridian 29, 11, the south end of the great Cedar Key N. W. by N. 3-4 mile; the outer or S. W. point of the high or south Key S. E. and by S. 1 1-2 miles, lay quite dry at low water, at 10 P. M. floated off, and stood into a good channel, but laying the warp too far out she tailed on the west side where we lay for the night after housing taught our best bower laid in mid channel. 2d. Floated off at 10 A. M. and pulled up to good anchorage, under the lee of the island, boat went to an inshore key, to look for water, and returned two casks full.

3d. Self and captain on shore until half past 11, A. M. caught nothing; observation good, 29, 11; the high part of South Key, due E. two miles; the Sandy beach great cedar Key, W. 1-2 mile; at sundown, captain W. arrived from Suahnack; several canoes with negroes, at the point, captain returned from fishing on point; some good fish. 4th. Idle all day; afternoon prepared rum, sugar, coffee, molasses, to send Robin Creighton, per colored lad named Charles, *see note thereof*; during the night the wind shifted to the N. and N. N. E. drisling rain and very cold. 5th. Wind N. N. E. rain, and very cold, cleared up before mid day; at 4 P. M. two canoes from Suahnack, one came on board, reported Cappachimico, and all the chiefs waited for captain W.; prepared sundry articles for Sawhanha, and sent canoe off to get Franck's canoe to go with captain W. and self. 6th, at 12, started for Sahwanhee, in Franck's canoe, camped for the night at the little island, mouth of the river; a canoe, with several men and women, with corn, camped at same place, bound for schooner, with corn, &c. 7th. 4 A. M. started up the river, at 8, camped, and breakfasted at Pine Bluff, and at 2 P. M. arrived at Buera land-

ing, took through the pine barren, and lost our way to Christopher Town; again getting to the river, at half past four P. M. arrived at Roberts; captain W. and guide had arrived a little before; visited Cappachimico and M'Queen, at Indian town. 8th. A long talk with Indians, their complaints of the conduct of the Americans; M'Queen mentioned they had taken one of his negroes and confined him in the fort at the Forks. A chief from Chehaw said, that they had killed three Indians in his neighborhood, on their own ground, and taken eleven horses; several others stated losses in cattle and horses, and the Seminole chiefs in particular a chief —— of —— said, that in confidence of the treaty being faithfully fulfilled on the part of the Americans, a half breed man, named Moses, before the war, settled near the forks, returned to take possession of his fields, and was murdered by the Americans. The chiefs ordered a letter, *in way of memorial*, to be written our ambassador in America, and copies to be sent to England, representing the conduct of Americans; the same was done, agreeably to the substance of their *talk*, read and interpreted to them by their own interpreters, afterwards, each chief put his mark in my presence, which I certified. 9th. Cold and clear, Cappachimico, M'Queen, and the other chiefs, met, and had a long talk, more fully particularizing their particular grievances, they also stated the number of forts, seven, the Americans had built, and the roads they had cut, and were still continuing to cut, within their territory.

M'Queen stated, that M'Intosh and the Couhetta Indians were the cause of the Americans' conduct; that after the peace, a deputation had been sent up to have a talk with the commander at Fort Mitchell, in the forks, who were instructed to inform him of what colonel Nicholls had stated to them, with regard to their rights to territory, prior to the war, being guaranteed by the treaty between England and the U. States; and to request that he, the commandant, would refrain from further encroachments, and give orders that their lands should be respected. The answer they received from the commander was, that it was all true they had told him, but that he had orders to act as he did. A chief of the Fowltown Indians stated, that the American troops returning from the destruction of the fort at Prospect Bluff, burnt one entire town, and murdered several of their people, because they would not join them when going down the river. The Tiger Warrior, and two other men of note, spoke, stating the circumstances of aggression and cruelty that had come to their knowledge. Cappachimico, M'Queen, and the others, further stated what reports they had from Doyle, Hambly, &c. and all were of opinion, and firmly believed, that Hambly, a clerk to, and influenced by Forbes, was the cause of the destruction of the fort at the Bluff; and that Hambly went down the river as a guide to the American army; and was particularly instrumental in its being blown up, as he pointed out to the American officers where the magazines were placed, that they might play their shells against them. Such few negroes as were

saved from the explosion unhurt, were carried off by the Americans, with cannon, ammunition, arms, &c. that was found in the fort.

N. B. I take no notice of captain W's talk to the Indians, because I doubt much of what he stated was not founded in fact, and was only mentioned by him to strengthen the chiefs in their attachment to the British government. I say no further on this head. Of his promises, I fear he has also gone too for; and perhaps at a future time, when the Indians find them *un*performed, the rage for their disappointment may fall on me, as a party aiding and abetting captain W. in his deception. I have gone beyond my promise to captain W. I have been deceived in almost every thing; and yet he thinks *every thing*, and person, must be subservient to him. I have had himself and *aid-de-camp* on board since the 31st August; in any expedition, in canoe or boat, I have supplied his wants. I kept three negroes on board more than two months, on his account. I presented the chiefs for him, and on his account. I have seen my provisions taken and given away, when we were on short allowance; for captain W. gives liberally when it is not out of his own pocket, but is extremely costive when any thing is wanted from home.

10th. Cappachimico and M'Queen gave me a note of the most necessary articles they wanted immediately, and which I promised them to bring, if possible, by the end of December, and land them as agreed. Gave them a card, with seals, &c. &c. as a token that when they received a messenger with the duplicate thereof in *R. W.* that he came with the straight talk from me, made each a present of rum, sugar, coffee, and 100 segars Also, the Tiger Warrior and two others, and the rest, had a good lot of segars each, gave them a parting glass; took leave at 12 mid day. They all started on horseback. The two deputies that go to Nassau with me left behind.

These men are children of nature; leave them in their forests to till their fields, and hunt the stag, and graze their cattle, their ideas will extend no farther; and the *honest* trader, in supplying their moderate wants, may make a handsome profit of them.

They have been ill-treated by the English, and robbed by the Americans, cheated by those who have dealt with them, receiving goods and other articles, at most exhorbitant prices, for their peltry, which has been much undervalued. I say the English ill-treat them: after making them parties in the war with America, they leave them without a pilot, to be robbed and ill-treated by their natural and sworn enemies, the Americans. When the English officer, col. Nicholls, left Prospect Bluff, on the Apalachicola river, he left particular orders with Cappachimico and the other chiefs, not on any account to enter on the territory of the Americans; while at the same time he informed them, the Americans were to give up that territory they had taken possession of during the war; but while he informed the Indians how they should act, and what the Americans were to do in compliance with the treaty, he left no person to guide them in their conduct, in case the latter should not comply, or continue to extend

their encroachments, and commit aggressions. When such was the case they had none to represent their case to the British government, but William Hambly, the clerk of John Forbes, and Doyle, another of his clerks, both of whom had long before the conclusion of the war sold themselves to the American government, and while they were re-receiving *British pay*, acted as spies to the Americans; these persons were not likely to represent the conduct and encroachment of the Americans in their true light. No, they attempted to influence the chiefs to join the Americans. Doyle stated in a talk at St. Marks, that in four years no Englishman durst set his foot in Floridas, yet these were the only persons to whom the poor untutored Indian could apply, to represent their grievances to the British government, or any governor of their islands, and it was not likely they, the tools of the Americans, would give a just and true account of the Indian grievances Hambly, the Indian interpreter, was ordered to write to the governor of New Providence, demanding his interference; and by an intercepted letter from his brother, dated at Regla, in February last, it appears he had written a letter to New Providence, but to whom—

No. 69.

Arbuthnott to the commanding officer at fort Gaines.

Okolokne Sound, 3d March, 1817.

To the officer commanding fort Gaines,

SIR,

I am desired by Peter M'Queen, an unfortunate chief, who was some years since obliged to fly from his town of Tucky Batche, on the Tallapoohatche river, to claim of your friendship, the delivery of a negro man named Joe, (taken away from him since the peace) which he states to be in fort Gaines When M'Queen left Tucky Batche, his property was considerable, both in negroes and cattle, of the former, ten grown negroes were taken by a half breed man, named Barney, nine of which he learns were sold, and one, a girl, is still in possession of said Barney. Twenty able negroes were taken by a chief named Colonel, *or* Auchi Hatche, who acts also as an interpreter; and as he never had possession of any of those persons' property, nor ever did them any injury to his knowledge, he claims a further proof of your friendship, that you will use your influence in procuring those negroes for him; and, should they be given up by the persons holding them, there is one faithful negro among them, named Charle, who will bring them to him at Okolokne river.

The American head men and officers that were accustomed to live near him, can testify to his civility and good fellowship with them, and there are none of them, he is convinced, that would not serve him, if in their power; as he owes nothing, nor ever took any person's property, *none* have a right to retain his, and he hopes that through your influence, those persons now holding his negroes, will be induced to give them up.

While I am thus advocating the cause of one unfortunate individual, allow me to claim an extension of your philanthropy to all the Indians within your circle, by your representing to them the folly of their quarrels, and that they ought to live quietly and peaceably with each other.

The lower Creeks seem to wish to live peaceably and quietly, and in good friendship with the others; but there are some designing and evil minded persons, self interested; who are endeavoring to create quarrels between the upper and lower Creek Indians, contrary to their interest, their happiness, and welfare; such people belong to *no* nation, and ought not to be countenanced by any government.

The head chiefs request I will inquire of you, why American settlers are descending the Chattahoochie, driving the poor Indian from his habitation, and taking possession of his home and cultivated fields.

Without authority, I can claim nothing of you; but a humane and philanthropic principle guiding me, I hope the same will influence you, and if such is really the case, and that the line marked out by the treaty of peace between Great Britain and the United States, respecting the *Indian nations* has been infringed upon by the subjects of the latter, that you will represent to them their improper conduct, and prevent its continuance.

I hold in my possession a letter received from the governor of New Providence, addressed to him by his Britannic majesty's chief secretary of state, informing him of the orders given to the British ambassador at Washington, to watch over the interests of the Indian nations, and see that their rights are faithfully attended to, and protected agreeably to the treaty of peace, made between the British and Americans.

I am in hopes that ere this, there is arrived at New Providence, a person from Great Britain, with authority to act as agent for the Indian nations, and if so, it will devolve on him, to see that the boundary lines, as marked out by the treaty, are not infringed upon.

I hope you will not think these observations, *made by desire of the chiefs*, any improper interference, and requesting the favor of an answer,

I am respectfully, sir,

Your obt. servant,

[Signed] A. ARBUTHNOTT.

P. S. M'Queen states, that the offspring of the negroes when he left Tucky Batche, were seven of those taken by Barney, and nine of those taken by Auche Hatchi, and he supposes they have increased.

No. 70.

A. Culloh to Arbuthnott, (answer to No. 69.) found among Arbuthnott's papers.

Fort Gaines, 1st May 1817.

DEAR SIR,

On being informed by the commanding officer, that you had written in behalf of Peter M'Queen, for a negro man once in the possession of myself at this place, requiring the return of said negro to (as you said) the rightful owner; I take the liberty of informing you, that the said negro is now at Fort Hawkins, Oakmulgee river, claimed by an American citizen by the name of Bowen White; he remained with us, he was a deposit of some of the Indians, to be given to the said Bowen when called for. Further of his origin, or manner in which he was claimed as property, I can't tell any thing of. You inquired why citizens were descending this river. In answer I say, in right of, and conformably to a late treaty between the United States and the Creek nation; for this part of the territory was ceded to us as compensation for expenses and aid furnished and incurred by the friendly Creek Indians, against M'Queen and his party; not having any reference, or touching at any article or part of the treaty between the United States and Great Britain. As to M'Queen's having any claims on the good feeling and philanthropy of any citizen of the United States, is mock and farce; on the contrary he has incurred both the ill will and hatred of his own people and them, and has in fact, been the cause of the destruction and loss of his native country.

Your obdt. Servt,

[Signed] AM. CULLOH.

A. Arbuthnott,
Oakalokiny Sound, Florida Keys.

No. 71.

Copy of a paper without date or signature, found among Arbuthnott's papers—supposed to be the answer to No. 4 in the proceedings of the court martial on the trial of Arbuthnott.

It is not in my power to comply with your wishes, without the king's command, but you may be assured that I shall lose no time in submitting the representation you have now made to the consideration of his majesty's government.

No. 72.

A. Arbuthnott to Gen. Mitchell, agent of Indian affairs.

Sahwahnee, Lower Creek Nation, 19th Jan. 1818.

SIR,

Kenhijee, head chief of the Lower Creek Nation, has called on me to request I would represent to you the cruel and oppressive conduct of the American people living on the borders of the Indian nation, and which he was in hopes, from a talk you were pleased to send him some weeks since, would have been put a stop to, and peace restored between the Indians and the American people; but far from any stop being put to their inroads and encroachments, they are pouring in by hundreds at a time, not only from the land side, but both troops and settlers ascending the Apalachichola river in vessel loads. Thus the Indians have been compelled to take up arms to defend their homes from a set of lawless invaders.

Your known philanthropy and good will towards the Indians in general, induces the chiefs to hope that you will lose no time in using your influence to put a stop to those invasions of their lands and paternal birth-right, and also order that those who have already seized on their fields may retire therefrom. The Indians have seized two persons known to have been greatly instrumental in bringing the Americans down on their lands, and they are now in their possession as prisoners: and they have it in report that sales of their lands have been made by those two people, without the consent, approbation, or knowledge, of the chiefs; and from their long residence in the nation, and the one having enjoyed great confidence in the nation and with the chiefs, as English interpreter, there is some reason to believe those reports, when leagued with the swarms of Americans

coming from Mobile and other places, seizing the best of the Indian lands. Such improper sales have actually been made.

In taking this liberty of addressing you, Sir, in behalf of the unfortunate Indians, believe me I have no wish but to see an end put to a war, which, if persisted in, I foresee, must eventually be their ruin; and as they were not the agressors, if, in the height of their rage they commit any excesses, that you will overlook them, as the just ebullitions of an indignant spirit against an invading foe.

I have the honor to be, &c. &c.

[Signed] A. ARBUTHNOTT.
By order of Kenhijee and Bowlegs, acting for themselves and the other chiefs.

Camp before St. Marks, April 8th, 1818.

The foregoing letter was produced to A. Arbuthnott, on his examination before me, and acknowledged by him to have been written by him to Gen. Mitchell, agent of the Creek nation.

(Signed) ANDREW JACKSON.

Present, Mr. Fulton.

SUPPLEMENTARY DOCUMENT.

Received since the Letter to Mr. Erving was forwarded.

[From the Public Ledger and Daily Advertiser, a London Newspaper, of August 27, 1818.]

MR. ARBUTHNOTT.

The following letters, in addition to those already made public, tend to show the deep interest which this unfortunate gentleman took in procuring redress for what he conceived to be the unproked aggressions of the American back settlers, on the Indian boundary line.

A. Arbuthnott to the commanding Officer at Fort Gaines.

Okolokne River, March 3d, 1817.

[This is an extract from the letter No. 69 in this collection, p. 210 consisting of the four paragraphs before the last, which is omitted. See the document No. 69, and the answer to it, No. 70]

*Copy of a talk sent from the British Agents in East Florida, to the Big Warrior, head chief of the Creek nation of Indians.**

"When the English made peace with the Americans, they included the whole of the Indian nations, viz: Creek, Choctaw, Chickasaw, and Cherokee. Those nations were guaranteed in the quiet possesssion of their lands, and the Americans engaged to give up such lands of the Indians as they had taken possession of during the war.

"If they have not done so, or if they have been making further encroachments, the chiefs have only to represent their camplaints, and the aggressions of the Americans to the governor of New Providence, who will forward them to England, or get them conveyed to the British minister at Washington, who has orders from the king of England, to see that the rights of the nations abovementioned are protected, and the stipulations contained in the treaty, *in their favor*, are faithfully carried into execution.

"The Americans have no wish to go to war; they will not, therefore, do any thing contrary to the treaty; and what encroachments have been made, must be without the knowledge of the chief of the American government; and so soon as he is informed thereof by the British minister at Washington, he will order the American people who have taken possession of Indian lands to draw back to their own possessions.

"The Indian nations are all one great family; they possess lands their great forefathers handed down to them, and they ought to hand them down entire to their children. If they sell their land, what do they receive for it? Nothing that will last. It is wasted away in a few years. Whether, therefore, they sell or give it away, they are robbing their children of the inheritance they had a right to expect. As a great family, they ought to live as such with each other. Let the four nations join in bonds of brotherly love; let them smoke the pipe of peace; let the cultivation of their lands be their chief object during spring and summer, and hunting their diversion during winter; and the produce of their labor will be bought by good people, who will come and deal with them, when they know there is any thing to be purchased for goods or money.

* [This appears to be the same talk, with the letter to the Little Prince, mentioned in the proceedings of the court martial on Arbuthnott's trial.]

"If the Americans or other nations live near them, let them live in friendship with them, and keep up a good understanding, but on no account sell or give away any of their lands. I recommend this as a friend of humanity, and of good order.

"(Signed) A. ARBUTHNOTT.

"*Okolokne, March* 11, 1817."

"The head chiefs of the upper Creek nation have desired me, Oponey, to get the straight for them; what is written in the foregoing I believe to be the true and straight talk received from an Englishman,* *who carried two deputies to New Providence, and has returned with them to Okolokne.* I, Oponey, have been sent by you, the head chiefs of the upper Creek nation, to see the Seminole Indians. I have done so; they live quietly and peaceably, and wish to do so, with all their red brethren, in every part of the nation.

"Opoy Hatcho has desired me to see those things; I have done so; and see all quiet, and had the talk I now send you, and shaken hands with the friend who gave it me.

"That the friend I have met came over with goods, by desire of the chiefs of the lower towns, and is a true friend to the Indians. The various and untrue talks that you sent me, from time to time, must be made by some person an enemy to us all red brethren, and ought not to be listened to; let me know who they are, and send me an answer as soon as possible to the present talk.

his
(Signed) OPONEY, ⋈
mark.

Written by order of the aforesaid Oponey, the 11th of March, 1817. (Signed) A. ARBUTHNOTT.

Witness—(Signed) *Aaron Moris.*

* [See Arbuthnott's Journal, No. 68. p. 205.]